

Attachment 1

Consultations

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0 8th September 2008

Dear Sir/Madam,

Bord na Móna Environmental Limited have been commissioned by Clean (Ireland) Refuse & Recycling Ltd. to undertake an Environmental Impact Assessment, and the subsequent preparation of an Environmental Impact Statement (EIS), for a proposed upgrade to the existing Waste Transfer Station located on c3.0ha at Ballynagun West, Cree, Co. Clare (refer to attached Site Location Map). The requirement for this EIS, which is considered to be a sub-threshold EIS, was outlined by Clare Co.Co. to determine if the development is likely to have significant impacts on the environment.

Clean (Ireland) Refuse & Recycling Ltd. has been operating this Waste Transfer Station since 1984 and is permitted by Clare Co. Co. under Waste Permit Register No. 002/07/WPT/CL. Waste streams include various dry recyclables and are non-hazardous in nature only. The site will be further designed and developed to meet strict environmental protection requirements in line with best international practice.

Development at the site will include:

- Expansion of the site area
- Additional waste streams including end-of-life vehicles
- In-vessel composting, processing c. 5,000 tonnes of brown waste per annum
- Construction of processing sheds

In conjunction with this EIS, Clean (Ireland) Refuse & Recycling Ltd. wish to develop the site for the purpose of increasing the total annual waste tonnage processed (greater than 20,000 tonnes accepted per annum). To this end, the Environmental Protection Agency has determined that the facility will require a Waste Licence.

In preparation of this EIS, due regard will be paid to the following documents 'Advice Notes on Current Practice (in the preparation of EIS)', 'Guidelines on the Information to be Contained in EIS' issued by the Environmental Protection Agency and all relevant Environmental Impact Assessment and Planning Regulations.

Bord na Móna Environmental Limited would be grateful if you could provide any information relevant to the proposed development that you may hold and/or highlight any issues that you feel should be addressed in the Environmental Impact Assessment. As you are the central office for your organisation, you may also wish to involve your regional or local office, if you deem it appropriate. For your information, it is proposed to submit the EIS with the Waste Licence Application to the Environmental Protection Agency by the end of November 2008, and subsequently a planning application will be made to Clare Co. Co. for the proposed development.

Thanking you in anticipation of your co-operation in this matter.

Yours faithfully,

Ms. Helen Behan
Environmental Consultant

For and on behalf of
Clean (Ireland) Refuse & Recycling Ltd.



Fáilte Ireland
National Tourism Development Authority

9 October, 2008

Ms Helen Behan
Environmental Consultant
Bord na Mona
Main Street
Newbridge
Co Kildare

Dear Ms Behan,

Further to our telephone conversation this afternoon, please note I have received your letter of 8th September regarding EIS for Ballynagun West, Cree, Co Clare and I will forward it on to Shannon Development for their information.

Yours sincerely,

Jill Stewart
Environment Unit

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Baggot Street Bridge
Dublin 2
Ireland

Phone 1890 525 525
or +353 1 602 4000
Fax +353 1 855 6821

Email info@failteireland.ie
www.failteireland.ie

Suirbhéireacht Gheolaíochta Éireann
Tor an Bhacaigh
Bóthar Haddington
Baile Átha Cliath 4



Ms Helen Behan
Bord Na Móna Environmental Limited
Main Street
Newbridge
Co. Kildare

Geological Survey of Ireland
Beggars Bush
Haddington Road
Dublin 4

Irish Geological Heritage Section
Tel: 01-6782837/Fax 01-6782559
Email: sarah.gatley@gsi.ie
<http://www.gsi.ie>

22nd September 2008

Re: Waste Transfer Station at Ballynaqun, Cree, Co. Clare

Dear Helen,

With reference to your letter of the 8th September 2008, concerning the above scheme, there are no geological heritage sites currently on our database that lie within or near the area.

For your information, the Geological Survey of Ireland (GSI) is in partnership with the National Parks and Wildlife Service (NPWS) of the Department of Environment, Heritage and Local Government to identify and select important geological and geomorphological sites throughout the country for designation as NHAs (Natural Heritage Areas). This is being addressed under 16 different geological themes. For each theme a larger number of sites from which to make the NHA selection are being examined, in order to identify the most significant scientifically. Our criterion of designating the minimum number of sites to exemplify the theme means that many sites of national importance are not selected as the very best examples. However, a second tier of County Geological Sites (CGS) (as per the National Heritage Plan) means that many of these can be included in County Development Plans and receive a measure of recognition and protection through inclusion in the planning system. Please note that we are still in the process of finalizing these proposed sites.

Should development go ahead (all other factors considered), GSI would much appreciate a copy of reports detailing any site investigations carried out. The data would be added to GSI's national database of site investigation boreholes, implemented to provide a better service to the civil engineering sector.

GSI would also request notification of ground excavations, etc. undertaken that might provide good geological exposures for our examination. This would allow recording, fossil or rock sample collecting and gathering of new data in order to enhance our understanding of the area.

Should any significant bedrock cuttings be created, we would ask that they be designed to remain visible as rock exposure rather than covered with soil and vegetated.

Please note that some maps/databases are available on the GSI website under "Online Mapping" or "Web Mapping"- direct link: <http://www.gsi.ie/Mapping.htm>
Data currently available is for Bedrock, Groundwater, Karst, Geotechnical boreholes, Mineral locations and the Quarry Directory. Geological Heritage data is in the process of being migrated to this website, but please continue to contact Sophie Preteseille at

Ms Helen Behan
Environmental Consultant
Bord na Mona Environmental Limited
Main Street
Newbridge
Co. Kildare

11th September 2008

Ref: Poss App 461

Re: Clean (Ireland) Refuse and Recycling Ltd, Kilrush, Co. Clare

Dear Ms Behan,

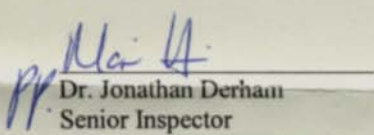
Further to your letter received on 10th September 2008, regarding the above.

I write to advise that a pre-application and EIS scoping meeting with the Environmental Protection Agency is recommended.

Please contact Marie O'Connor, EPA Regional Inspectorate Cork, Inniscarra, Co. Cork, Tel: 021-4875540, to arrange an appointment and further this matter.

I trust this advice assists.

Yours sincerely,


Dr. Jonathan Derham
Senior Inspector
Office of Licensing & Guidance





An Roinn Airgeadais
Department of Finance

Oifig an Aire
Office of the Minister

Sráid Mhuirfean Uacht, Upper Merrion Street, Telephone: 353-1-676 7571
Baile Átha Cliath 2, Dublin 2, Facsimile: 353-1-676 1951
Éire. Ireland. LoCall: 1890 66 10 10
VPN: 8109
<http://www.irlgov.ie/finance>

Our Ref: 08/0478/MF

23 September 2008

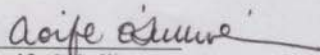
Ms Helen Behan,
Bord na Móna Environmental Ltd.,
Main Street,
Newbridge,
Co.Kildare.

Dear Ms Behan,

The Minister for Finance, Mr Brian Lenihan T.D. asked me to thank you for your letter of 8th September 2008 regarding the preparation of the Environmental Impact Assessment (EIS) on the proposed upgrade to the Waste Transfer Station located at Ballynagun West, Cree, Co. Clare.

As this is a matter in the first instance for the Minister for the Environment, Heritage and Local Government, Mr John Gormley T.D., a copy of your correspondence has been forwarded to his Office for attention and direct reply to you.

Yours sincerely,


Aoife O'Sullivan
Private Secretary to the Minister for Finance



Tánaiste agus Oifig an Aire Fiontar, Trádála agus Fostaíochta
Tánaiste and Office of the Minister for Enterprise, Trade and Employment

Our Ref: **080859/TAN**

10th

September, 2008

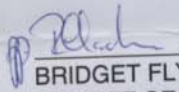
Ms Helen Behan
Environmental Consultant
Clean (Ireland) Refuse & Recycling Limited
Main Street
Newbridge
County Kildare

Dear Ms Behan,

I wish to acknowledge receipt of your recent letter which has been received in the Office of the Tánaiste and Minister for Enterprise, Trade and Employment, Ms Mary Coughlan TD, regarding a proposed upgrade to the existing Waste Transfer Station located at Ballynagun West, Cree, Co. Clare.

I will bring your correspondence to the Tánaiste's attention at the earliest opportunity.

Yours sincerely,


BRIDGET FLYNN
PRIVATE SECRETARY



Comhshaol, Oidhreacht agus Rialtas Áitiúil
Environment, Heritage and Local Government



Oifig an Aire
Office of the Minister

Please Quote Ref: REP6133/JG/08

10 September, 2008.

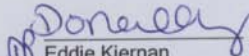
Ms. Helen Behan,
Environmental Consultant,
Bord Na Móna,
Main Street,
Newbridge,
County Kildare.

Dear Ms. Behan,

I have been asked by Mr. John Gormley, T.D. Minister for the Environment, Heritage and Local Government, to acknowledge receipt of your recent letter dated the 8th September, 2008.

A further letter on this matter will issue as soon as possible.

Yours sincerely,


Eddie Kiernan
Private Secretary

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Comhshaoil, Oidhreachta agus Rialtas Áitiúil
Environment, Heritage and Local Government

consultancy/clients/clients/ireland/
EIS2008/chara/consultation

Save as DoEHL.

6/10/08

Our Ref: G2008/737

Helen Behan (Environmental Consultant)
Bord na Móna Environmental Limited
Main Street
Newbridge
Co. Kildare.

Re Proposed upgrade to Waste Transfer Station Ballynagun West, Cree, Co. Clare

A Chara,

We refer to your letter of 8th September 2005 in relation to the above-proposed development. Outlined below are the built heritage recommendations of the Department of the Environment, Heritage and Local Government.

Archaeology

It is noted that the proposed development is large in scale and within visible distance of an elevated archaeological monument, Recorded Monument CL047-050, a bivallate ringfort, which is subject to statutory protection in the Record of Monuments and Places, established under section 12 of the National Monuments (Amendment) Act 1994. Given the extent and location of the proposed development and the potential of remains of associated early field systems on the eastern boundary of the proposed extension, this development could potentially impact on subsurface archaeological remains or have a negative visual impact.

It is our recommendation that an Archaeological Impact Assessment, as described below, should be included in any EIS to assess the potential impact, if any, on archaeological remains in the area where development is proposed to take place.

Archaeological Impact Assessment should be compiled as follows ;

1. The applicant is required to engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the development site. No sub-surface work should be undertaken until an archaeological assessment has been completed and commented on by this office.
2. The archaeologist should carry out any relevant documentary research and inspect the development site. The visual impact of the development on the Recorded Monument should also be assessed.

Dune

5.10.1 Structures of relatively minor architectural heritage merit or significance: the original survey documentation as set out in Section 4.7 above, viz.

- an accurate and succinct written description of the structure;
- an assessment of its architectural heritage merit ;
- the extent of the structure set out on a map of sufficient scale;
- a sufficient number of record photographs which illustrate the built form and architectural heritage significance of the structure;
- any additional information such as any research documents; and, in addition,
- record photographs taken before demolition, and which include a clear indication of scale such as calibrated ranging rods.

5.10.2 Structures of greater architectural heritage merit or significance; as for Section 5.10.1 above, but including sketch floor plans and sections drawn on squared paper which gives an indication of a recognisable scale. Architectural and constructional details should be documented by photographs which include a clear indication of scale.

5.10.3 Structures of specific architectural heritage significance; as for Section 5.10.2 above, but including measured drawings to an appropriate scale showing the general site layout and general floor plans, sections and elevations.

5.10.4 Structures of particular architectural heritage significance; as for Section 5.10.3 above, but including a full set of measured drawings and rectified photographs. The measured drawings should also include constructional details to an appropriate scale. It should be noted that this specification will only be required in exceptional circumstances. It is more likely that such structures will have been identified at planning and design stage, and will have been avoided by the proposed development in the first instance.

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5.4.5 The procedure of "preservation by record" in relation to the removal of structures of architectural heritage merit should only be used as a last resort. In the case of archaeological sites it is generally recommended that there should always be a presumption in favour of avoiding adverse impact, and that 'preservation in-situ' should always be the first option to be considered. This has a parallel in relation to architectural heritage whereby avoidance in the first instance is the best option. Where impact on particular archaeological sites is unavoidable it is said that the process, consequent to excavation and the recovery of artefacts and/or associated information, is one of 'preservation by record'.

Where it is proposed to demolish structures of architectural heritage merit, the physical artefact is not preserved if the structure is actually removed. As there is likely to be no physical remains when the structure is destroyed, it is only associated information that is protected or preserved through making record documents. The procedure of "preservation by record" is a limited form of mitigation that can be offered. If the structure is of sufficient merit as to warrant protection, then the best "mitigation" which can be offered is avoidance, if avoidance is possible.

5.4.6 Where it is proposed in an environmental impact statement that structures of architectural heritage merit will be "monitored" as "mitigation" during construction work, for instance by the use of tell-tales for vibration monitoring or the like, it is in effect a tacit admission that the impact of the proposed works on the structure is unknown. The offer of "monitoring" is a concession that, in effect, damage consequent on the works will be rectified. However, this remains no different from the situation in respect of any other structure within the vicinity of a proposed development. Again, if the structure is of sufficient merit as to warrant protection and there is a belief that damage may occur consequent on the proposed development, then the best "mitigation" which can be offered is avoidance, if avoidance is possible.

5.5 Where structures of architectural heritage merit come within the land take of a proposed development an opportunity may exist to incorporate such structures into new plan layouts. This could assist in giving an immediate sense of identity to the new development, and may also help establish a sense of place. Conversely, it may have a positive impact on the architectural heritage of the locality in giving a new lease of life to redundant or under-utilised structures.

Records of the Past

5.6 Where it is necessary to demolish structures of architectural heritage merit in order to carry out a particular development proposal, these cases should be highlighted as such in the environmental impact statement. These structures should be documented as appropriate to their significance and, in addition to the original survey photographs, record photographs should be taken before demolition. This combined documentation should be treated as a "record of the past". It is recommended that it is specified in the environmental impact statement that these records are deposited with an appropriate archive, e.g. the County Library Archive.

5.7 It should be noted that the purpose of documenting structures which are to be either demolished, partly demolished, or significantly impacted upon is to set down a record of the situation as it existed at a particular point in time, that is, just before removal. This information may be cross-related at a future time by others to, for instance, historical maps as part of research work for historical purposes or social study.

Few structures which are removed as part of a proposed development are ever likely to be reconstructed. Therefore carrying out extensive measured work and making detailed drawings will rarely be required. Documentation relating to most structures to be removed need only give a reasonable representation of the structure as it existed prior to removal. Photographs which illustrate the basic form and relevant detail of a particular structure may reduce the requirement of measured work to a minimum. Following removal, the information associated with the structure simply becomes a "record of the past".

5.8 It should be noted that, where a structure is to be demolished and its associated site cleared, archaeological investigation may be justified. This should be highlighted in the chapter in the environmental impact statement dealing with archaeological heritage.

5.9 Where a structure or feature of architectural heritage merit is to be dismantled and relocated as part of a proposed development, the authenticity of the original should be maintained.

This will mean, for instance, that

- the structure is documented in sufficient detail both before and in the course of being dismantled in order to allow it to be accurately rebuilt to its original form;
- it is carefully dismantled in order to avoid undue damage to its constituent parts;
- it is reconstructed using, in so far as is practicable, its original materials;
- it is reconstructed using, in so far as is practicable, the original construction techniques. For instance, lime mortar is used for in cut-stone or coursed random rubble work rather than sand/cement based mortars;
- it is reassembled as an accurate representation of the original, maintaining the same profiles, surface finish, and faithful detailing rather than a pastiche reproduction. For instance, where an original wall is of solid masonry, its reinstatement should not be of a concrete block core with masonry facing to one or both sides;
- any replacement parts are faithful in style, material, and size to the original. For instance, any individual parts of a cast-iron railing, or segments of replacement railing should replicate the original.

Content of Records of the Past

5.10 The documentary information specified in Section 4.7 above is of a general nature sufficient to establish the basic architectural heritage merits of a particular structure and the perceived impact upon it. As set out in Section 5.6 above, a "record of the past" should be made for particular structures which are either to be demolished or significantly impacted upon. Depending on their particular architectural heritage merit, it is recommended that such structures are documented to the following levels;

5.4.5 The procedure of “*preservation by record*” in relation to the removal of structures of architectural heritage merit should only be used as a last resort. In the case of archaeological sites it is generally recommended that there should always be a presumption in favour of avoiding adverse impact, and that “*preservation in-situ*” should always be the first option to be considered. This has a parallel in relation to architectural heritage whereby avoidance in the first instance is the best option. Where impact on particular archaeological sites is unavoidable it is said that the process, consequent to excavation and the recovery of artefacts and/or associated information, is one of “*preservation by record*”.

Where it is proposed to demolish structures of architectural heritage merit, the physical artefact is not preserved if the structure is actually removed. As there is likely to be no physical remains when the structure is destroyed, it is only associated information that is protected or preserved through making record documents. The procedure of “*preservation by record*” is a limited form of mitigation that can be offered. If the structure is of sufficient merit as to warrant protection, then the best “*mitigation*” which can be offered is avoidance, if avoidance is possible.

5.4.6 Where it is proposed in an environmental impact statement that structures of architectural heritage merit will be “*monitored*” as “*mitigation*” during construction work, for instance by the use of tell-tales for vibration monitoring or the like, it is in effect a tacit admission that the impact of the proposed works on the structure is unknown. The offer of “*monitoring*” is a concession that, in effect, damage consequent on the works will be rectified. However, this remains no different from the situation in respect of any other structure within the vicinity of a proposed development. Again, if the structure is of sufficient merit as to warrant protection and there is a belief that damage may occur consequent on the proposed development, then the best “*mitigation*” which can be offered is avoidance, if avoidance is possible.

5.5 Where structures of architectural heritage merit come within the land take of a proposed development an opportunity may exist to incorporate such structures into new plan layouts. This could assist in giving an immediate sense of identity to the new development, and may also help establish a sense of place. Conversely, it may have a positive impact on the architectural heritage of the locality in giving a new lease of life to redundant or under-utilised structures.

Records of the Past

5.6 Where it is necessary to demolish structures of architectural heritage merit in order to carry out a particular development proposal, these cases should be highlighted as such in the environmental impact statement. These structures should be documented as appropriate to their significance and, in addition to the original survey photographs, record photographs should be taken before demolition. This combined documentation should be treated as a “*record of the past*”. It is recommended that it is specified in the environmental impact statement that these records are deposited with an appropriate archive, e.g. the County Library Archive.

Equally, it is inappropriate to specify that appropriate corrective measures relating to structures of architectural heritage merit will be decided upon at construction stage, with or without the approval of the Minister for the Environment, Heritage and Local Government. To do so is, in effect, an admission that due consideration of the impact on architectural heritage has not been made in setting out the environmental impact statement.

Only where there is a direct and unavoidable impact should further documentation be required as set out in Section 5.10 below.

5.4.2 Putting forward "mitigation measures" has limited relevance to structures of architectural heritage merit which are either to be partially or fully demolished. Instances may occur where a particular structure, for example, a set of entrance gates or boundary wall, can be moved back or relocated to facilitate a proposed development.

However, generally structures which have to be dismantled or demolished to facilitate construction work, or perhaps allow a safer site access to the construction works, cannot be reinstated as they originally were. In such circumstances there is no physical mitigation which can be offered if a structure of architectural heritage merit is to be destroyed. Clearly the only mitigation is avoidance, where avoidance is possible.

5.4.3 Similarly, the siting of new development in close proximity to a structure of architectural merit may compromise the setting of that structure or have an adverse visual impact upon it. The practical reality is likely to be that there is little mitigation which can be offered which ameliorates adverse impact other than amending the layout of the proposed development as appropriate, if it is possible to do so.

5.4.4 In the context of archaeological heritage, it is customary to record in some detail archaeological artefacts which are encountered in the vicinity of a development. In the case of structures of architectural heritage merit, unless there is an actual physical impact such as partial or total demolition, or close proximity to the proposed works, there is little point in making detailed records for their own sake of those structures beyond the basic documentation specified in Section 4.7 above.

To do so would in effect be an unwarranted imposition in relation to a proposed development, and would not be sought in other forms of development where an environmental impact statement does not apply.

If a structure is adjacent to but largely unaffected by a proposed development, then it remains as an artefact of architectural heritage merit which can be used, visited or examined on a continuing basis. Making or presenting superfluous documentation relating to architectural heritage as part of the environmental impact statement process is likely to serve little practical purpose.

5. Presentation of Architectural Heritage Information in an Environmental Impact Statement and Associated Record Documentation

Content Relating to Architectural Heritage

5.1 Few development proposals will not have some impact on their surroundings. The environmental impact statement process is intended to establish if the extent of impact is such that it is, or is not, acceptable in terms of the wider value or benefit that the proposed development will bring with it.

Within this context there may be, on occasion, a direct impact in architectural heritage terms on one or more structures if a proposed development is to proceed. However, in a situation where the issue of architectural heritage is addressed early in the project planning and design process, it is customary to find that relatively few structures are likely to be affected.

5.2 As it is also the purpose of the environmental impact statement procedure to establish what the actual impact of proposed development will be, the reality of the situation should be clearly set out in the environmental impact statement. It is for the regulatory authorities to determine if the outcome of any impact is acceptable within the overall context of the proposed development. Therefore all statements in respect of the assessment of architectural heritage merit and the perceived impact upon it should be factual and without bias.

5.3 The section setting out the list of structures of architectural heritage merit which may be affected by a proposed development should set out in tabular form, for example, in the following format:

- reference number which cross-references to the site survey or location maps in order to locate the structure;
- brief description of the structure;
- assessment of its architectural heritage merit ;
- proximity of the structure to the proposed development in metres
- brief assessment of the impact which the proposed development is likely to have on the structure; and
- a representative 'thumbnail' photograph showing the general configuration and architectural heritage significance of the structure.

5.4 It should be noted that merely transcribing measures appropriate to the protection of the archaeological heritage is usually inappropriate in relation to structures of architectural heritage merit. For instance;

5.4.1 Structures of architectural heritage merit are generally self-evident and can be identified early in the site selection or design stage of a proposed development. It should not be the case that previously unknown structures are encountered at construction stage.

Therefore it is inappropriate to specify in an environmental impact statement that baseline survey work of architectural heritage will be required after either the completion of the environmental impact statement or in the course of site or construction work.

In assessing impact on structures of architectural heritage merit placing an initial emphasis on documenting structures in a paper-search of historical maps or papers, and then confirming their existence by field work is a questionable approach. Apart from being time-consuming, it also risks overlooking structures on the ground which are not documented in research sources.

4.6 It should be noted that some information may overlap in part with material gathered for other parts of the environmental impact assessment or for the basic design of the scheme. To that end all structures should be documented for the purpose of architectural heritage assessment early in the design process.

4.7 At a minimum, the term 'documented' means -

- an accurate and succinct description of the structure;
- an assessment by competent expertise of its architectural heritage merit ;
- the extent of the structure set out on a map of sufficient scale;
- a sufficient number of photographs which illustrate, particularly to someone not in a position to visit the location on their own account, the built form and architectural heritage significance of the structure under consideration;
- an assessment of the impact which the proposed development is likely to have on the structure; and
- supporting information, where applicable and appropriate, such as any research documents or, perhaps, sketch plans of each floor level of structures which are directly impacted.

4.8 It is important that the matter of 'architectural heritage' is explicitly documented and assessed in its own right within an environmental impact statement. It should not simply be addressed as an adjunct to considerations of an archaeological nature.

In this regard information concerning architectural heritage will need to be assessed by competent expertise in order to set down a proper assessment of the value of structures of architectural heritage merit.

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4. Identifying and Assessing Architectural Heritage

4.1 As stated in Section 3.6 above, a comprehensive site survey at project planning and design stage will identify most of the significant elements of the built environment in the vicinity of a proposed development. Most of this built environment is upstanding and self-evident. It should be the norm that all structures of architectural heritage merit which may be impacted upon by a proposed development should be

- identified at project planning and design stage,
- evaluated as to architectural heritage significance, and
- the perceived amount of disturbance or intrusion upon them by the proposed development is assessed as part of planning and design stage of the project.

4.2 As stated in Section 3.8, if addressed in an appropriate fashion it is likely that any adverse impact on architectural heritage and any conflicts are largely "designed out" of the proposed development at planning and design stage.

4.3 As stated in Section 3.3, many structures which could be considered to constitute the architectural heritage of the area are not likely to be documented for the purpose of "a desk-top study". In the absence of readily available and comprehensive documentation, it is customary to recommend that all structures encountered on the ground in the vicinity of a proposed development are documented and an architectural heritage assessment of them set down.

4.4 Where an evaluation of the impact of the proposed development on structures of architectural heritage merit is carried out early in the planning and design process it will be evident what level of documentation regarding each structure should be provided for the purpose of an environmental impact statement. This information will indicate the consequent degree of recording or documentation which is warranted in each case.

4.5 It should be noted that the process is no more than the identification and assessment of the architectural heritage merits of any or all structures which are encountered in proximity to the proposed development, and stating the perceived effect on them.

It should be noted that extensive paper research in relation architectural heritage is not required in advance of examining the actual reality in the vicinity of a proposed development.

A comprehensive survey carried out for the purpose of normal planning consideration for the proposed development will indicate most structures in a locality which are likely to be affected by a proposed development. Making an assessment of the architectural heritage value of just those structures will confine the work to manageable proportions. Aerial photographs can be of assistance for the purpose of identification. However, smaller structures or items of architectural heritage merit which are not evident on maps or aerial photographs should also be taken into account in the course of a site survey.

3.6 It should be noted that a comprehensive site survey at project planning and design stage will identify most of the significant elements of the built environment in the vicinity of a proposed development. Given the nature of the proposed development the 'site survey' may take in for wider planning consideration a greater area than simply that of the location of the site itself. If a competent architectural heritage assessment is made of that information, it will identify those elements of architectural heritage merit upon which it is preferable not have an adverse impact.

3.7 It is emphasised that competent architectural heritage expertise will be required to make an assessment of survey information. It is customary to recommend that this particular expertise is engaged early in the planning of the project in order that relevant input is available in good time.

3.8 In effect most issues relating to impact on architectural heritage can be "designed out" at planning and design stage of the proposed development simply by identifying and avoiding significant elements of that heritage. In consequence, it can be expected that adverse impact on architectural heritage in the vicinity of a proposed development is much reduced.

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3. Defining Architectural Heritage

3.1 The term "architectural heritage" is defined in the Architectural Heritage (National Inventory) & Historic Monuments Act, 1999, as meaning "all

- (a) structures and buildings together with their settings and attendant grounds, fixtures and fittings,
 - (b) groups of such structures and buildings, and
 - (c) sites,
- which are of architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest".

3.2 For guidance on what is encompassed by the term "architectural heritage", it is recommended that reference is made to Section 2.5 of the "Architectural Heritage Protection, Guidelines for Planning Authorities, 2004" issued by the Department of the Environment, Heritage and Local Government. While this section relates to protected structures, it illustrates the range of structures which should be taken into account when assessing architectural heritage.

3.3 Many structures which could be considered to constitute the architectural heritage of an area are not likely to be documented. This may leave shortcomings either in a "desk-top" study of known sources of information or in bibliographical reference material presented as a review of the architectural heritage of an area.

3.4 It should also be noted that reference to the content of the Record of Protected Structures (RPS) in the County Development Plan for information on structures of architectural heritage merit in a locality is likely to prove insufficient. The definition of structures to be included in the Record of Protected Structures in a development plan is set out in Section 51(4) of the Planning and Development Act of 2000. This section states that

"For the purpose of protecting structures, or parts of structures, which form part of the architectural heritage and which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, every development plan shall include a record of protected structures, and shall include in that record every structure which is, in the opinion of the planning authority, of such interest within its functional area."

In effect the RPS is a subset of the architectural heritage of a locality which the planning authority considers specifically to be of special interest under specific headings. As such, the RPS does not necessarily represent the architectural heritage of a locality. It follows that exclusive reliance on the content of the RPS, or a proposed RPS, is likely to give consideration only to part of the architectural heritage that may be found in the vicinity of a development.

3.5 It should be noted that structures of particular architectural heritage merit in a locality may not have been considered for inclusion in the RPS because they have simply not come to the attention of the planning authority.

This usually means that a primary survey of the area in the vicinity of a proposed development has to be carried out in order to establish what existing elements of architectural heritage will be affected, if at all, by the proposed works.

2. Content of EIS Documentation Dealing with Architectural Heritage

2.1 It is recommended that a chapter or section titled "*Architectural and Archaeological Heritage, and the Cultural Heritage*" is included in any documentation prepared for the purpose of an EIS or an environmental impact assessment.

2.2 It is also recommended that the content of the chapter or section should be laid out, in part, to specifically set out the work of identification and assessment in relation to '*architectural heritage*'.

For example, it might read

"The impact of the development will be assessed with reference to

- *Architectural Heritage ...*
- *Archaeological Heritage ...*
- *Cultural Heritage ..."*

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will be an impact. However, it is recommended that this should be specifically investigated. Where no structures of architectural heritage merit exist in the vicinity of or on the site of the proposed development, this should be clearly stated in the documentation in order to establish the 'technical' completeness of the environmental impact assessment or an EIS.

1.5 Where structures of architectural heritage merit are encountered, it is recommended that they be treated in the environmental impact statement as set out in Section 4 below.

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Appendix 1

Proposed Expansion of Existing Waste Transfer Station, Ballynagun West, Cree, Co. Clare

Advice Notes – Scoping for Environmental Impact Assessment in relation to Architectural Heritage

The following comments and recommendations are put forward as an aid to making an Environmental Impact Assessment of the impact on architectural heritage and is not an indication of the view of Heritage and Planning Division of the Department of the Environment, Heritage and Local Government on the merits of the proposed development.

It may be that there will be little or no impact on the architectural heritage in the vicinity or on the site of the proposed development. However it should be noted that, as set out below, 'architectural heritage' is a material asset which must be taken into account where an environmental impact statement is to be prepared. In that context the following may be of assistance in ensuring that the issue of 'architectural heritage' is properly addressed and the content of the environmental impact statement is not subject to unwarranted challenge on that account.

1. Environmental Impact Assessment Background

1.1 An Environmental Impact Statement (EIS) relating to the proposed development requires a description of aspects of the environment likely to be significantly affected by that proposal, including in particular -

"material assets including the architectural and archaeological heritage, and the cultural heritage".

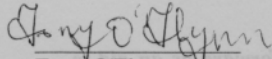
1.2 Since the adoption of the European Communities (Environmental Impact Assessment) (Amendment) Regulations 1999, S.I. 93 of 1999, which came into effect on the 1st May 1999, the matter of 'architectural heritage' is now an integral part of the EIS process. As such it is important that it be documented in its own right within the EIS. It should not be overlooked or only addressed as an adjunct to considerations of an archaeological or cultural heritage nature.

1.3 It should be noted that, as set out in Section 3 below, "Defining Architectural Heritage", it is not correct to equate 'architectural heritage' with a sub-set of structures taken from the architectural heritage of an area which are included by a planning authority in the Record of Protected Structures. In addition, as also set out in Section 3 below, reliance merely on a 'desk top study' in order to identify the impact on structures of architectural heritage merit within the vicinity of a proposed development is not likely to be sufficiently comprehensive.

1.4 Given the location of the proposed development it may well be that there is little of architectural heritage merit in the vicinity or in the area generally upon which there

In addition, please acknowledge receipt of this letter and forward the relevant acknowledgement to the address above.

Mise le meas,


Tony O'Flynn

Encl: Appendix 1

It may be that there will be little or no impact on the architectural heritage in the vicinity or on the site of the proposed development. However it should be noted that as set out below, 'architectural heritage' is a material asset which must be taken into account where an environmental impact statement is to be prepared. In that context the following may be of assistance in ensuring that the issue of 'architectural heritage' is properly addressed in the content of the environmental impact statement and is not subject to unwarranted challenge on that account.

1. Environmental Impact Assessment (EIA) Statement
1.1. An Environmental Impact Statement (EIS) in relation to the proposed development requires a description of aspects of the environment which are likely to be significantly affected by that proposal, including in particular -
"material assets, including the architectural and archaeological heritage, and the cultural heritage".

1.2. Since the adoption of the European Communities (Environmental Impact Assessment) (Amendment) Regulations 1999, S.I. 93 of 1999, which came into effect on the 1st May 1999, the matter of 'architectural heritage' is now an integral part of the EIS process. As such it is important that it is documented in its own right in the EIS. It should not be overlooked or only addressed as an adjunct to considerations of an archaeological or cultural heritage nature.

1.3. It should be noted that, as set out in Section 3 below, "Defining Architectural Heritage", it is not correct to equate 'architectural heritage' with a sub-set of structures taken from the architectural heritage of an area which are included by a planning authority in the Record of Protected Structures. In addition, as set out in Section 3 below, reliance merely on a 'desk top study' in order to identify the impact on structures of architectural heritage merit within the vicinity of a proposed development is not likely to be sufficiently comprehensive.

1.4. Given the location of the proposed development it may well be that there is little or no architectural heritage merit in the vicinity or in the area generally upon which there

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3. Having completed the work, the archaeologist should submit a written report stating their recommendations to the Planning Authority and to the Heritage and Planning Division of the Department of Environment, Heritage and Local Government. Where archaeological material/features are shown to be present, preservation *in situ*, preservation by record (excavation) or monitoring may be required.”

Reason: To ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

Architectural Heritage

Environmental impact assessment for the proposed development should take into account the effect of the proposal on the architectural heritage of the locality.

In that regard the Advice Notes in the attached Appendix 1 is put forward as an aid to making that assessment.

As pointed out in the advice notes,

“1.4 Given the location of the proposed development, it may well be that there is little of architectural heritage merit in the vicinity or in the area generally upon which there will be an impact. However, it is recommended that this should be specifically investigated. Where no structures of architectural heritage merit exist in the vicinity of or on the site of the proposed development, this should be clearly stated in the documentation in order to establish the 'technical' completeness of the environmental impact assessment or an EIS.”

It is recommended that assessment of the architectural heritage merit of structures deemed to be of architectural heritage merit is carried out by someone with a competence to make that assessment.

It is recommended that the Advice Notes are forwarded to the person who is to make an assessment of structures of architectural heritage merit which might be affected by the proposed development.

It may also be useful to consult with the County Clare Conservation Officer about any undue impact on structures of architectural heritage merit which might occur on foot of any proposed development.

If you require any further information please write to the following address :

The Manager,
Development Application Unit,
The Department of Environment, Heritage and Local Government,
Dún Scéine, Harcourt Lane,
Dublin 2.



Department of Arts, Sport and Tourism
AN ROINN EALAÍON, SPÓIRT AGUS TURASÓIREACHTA

Office of the Minister
OIFIG AN AIRE

Ms. Helen Behan
Environmental Consultant
Bord na Móna
Main Street
Newbridge
Co. Kildare

10 September, 2008

Our Ref: **081670/MAST**
Your Ref:

Dear Ms. Behan

I wish to acknowledge receipt of your recent correspondence to Martin Cullen TD, Minister for Arts, Sport and Tourism, regarding an Environmental Impact Assessment.

I will bring your correspondence to the Minister's attention as soon as possible.

Yours sincerely


John Conroy
Private Secretary

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Kildare Street, Dublin 2.
Sráid Chill Dara, Baile Átha Cliath 2.
Lo-Call Telephone Service (if calling from outside (01) area) 1890-383000
Web: www.dast.gov.ie

Telephone: (01) 631 3800
Fax: (01) 678 5906
Email: ministersoffice@dast.gov.ie



Office of the Minister for Agriculture, Fisheries and Food, Dublin 2.
Oifig an Aire Talmhaíochta, Iascaigh agus Bia, Baile Átha Cliath 2.

17th September 2008

Ms. Helen Behan
Environmental Consultant
Bord na Móna
Main Street
Newbridge
Co Kildare

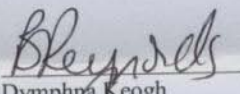
PLEASE QUOTE REF NUMBER ON ALL CORRESPONDENCE.
Our Ref: 2008/32263N/JC

Dear Ms. Behan

I wish to acknowledge receipt of your recent correspondence addressed to the Minister for Agriculture, Fisheries and Food, Brendan Smith, TD concerning the proposed upgrade to the existing Waste Transfer Station at Nallynagun West, Cree, Co Clare.

I will bring your letter to the Minister's attention.

Yours sincerely,


Dymphna Keogh
Private Secretary

Telephone: (01) 607 2884 LoCall 1890 200 510 Facsimile (01) 661 1013
E-mail minister@agriculture.gov.ie

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Office of the Minister

Transport House, Kildare Street, Dublin 2, Ireland.

Oifig an Aire

Teach Iompair, Sráid Chill Dara, Baile Átha Cliath 2, Éire.



Department of Transport
An Roinn Iompair



Tel: +353 1 670 7444 Local: 1890 443311 Fax: +353 1 604 1183 Web: www.transport.ie Email: minister@transport.ie

16

September 2008

Our Ref: MNDC08/3972

Ms. Helen Behan
Environmental Consultant
Bord Na Móna
Main Street
Newbridge
Co. Kildare

Dear Ms. Behan

On behalf of the Minister for Transport, Noel Dempsey T.D., I wish to acknowledge receipt of your letter dated 8th September regarding the undertaking of an Environmental Impact Statement.

As this matter is more appropriate to the Department of Communications, Energy and Natural Resources, I have forwarded your letter to the office of Mr. Eamon Ryan T.D. for attention and direct reply to you.

Yours sincerely,

Veronica Scanlan
Private Secretary to the
Minister for Transport

AK/d0006

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