



Kilcatherine, Eyeries, County Cork
<http://www.friendsoftheirishenvironment.org>

*Heather Humphries,
Minister for the Department of Arts, Heritage, and the Gaeltacht,
23 Kildare Street, Dublin 2 D02 TD30
1 April, 2016*

By email: minister@ahg.gov.ie; copy by registered post

Activities at Doonbeg, White Strand, Doughmore Bay, County Clare, Natura 2000 site, [Site code 002250] and Special Protection Area for Birds [Site code IE0004182]

Dear Minister;

We can trace no response to our letter of 13 March, 2015 detailing the failure of the developer to implement in full the requirements set out in the Management Plan for the above site, specifically the prohibition of changes in topography and/or hydrogeology and the ending of the agreed conservation grazing regime. In a direct response from the owner dated 18 March 2015, we have been informed 'That there is no need for grazing or any other prescriptive management method' for *Vertigo angustior*, protected by the Management Agreement required under Condition 6 of the Order of An Bord Pleanála (Ref. PL 03. 109 516) and by the Letter of Comfort agreed as part of the settlement of the 2000 High Court settlement [2000/25/JR].

This is in spite of the 2013 Conservation Management Plan highlighting 'continued potential for the enhancement of the ecological value of this part of the site [*Vertigo angustior* habitat] through careful management practices' and that 'Grazing is to be allowed for the purposes of conservation management'. The 2013 Report states 'With the expert farming advice, a system has been developed that has been demonstrated to have excellent benefits for the quality of the priority fixed dune habitats and provide the best conservation management. The same regime is recommended for 2014.' This arrangement has been discontinued since 2014.

We now are providing you with the report of a site visit undertaken on 22 March, 2016 and requesting you to investigate breaches of this Management Plan and of the Notifiable Actions which appear to have been undertaken at this site for which we understand written consent is required before performing any of the operations on, or affecting, the lands within this candidate Special Area of Conservation.

Friends of the Irish Environment is a non-profit company limited by guarantee registered in Ireland.
It is a member of the European Environmental Bureau and the Irish Environmental Network.
Registered Office: Kilcatherine, Eyeries, Co Cork, Ireland. P75 CX53 Company No. 326985.
Tel & Fax: 353 (0)27 74771 Email: admin@friendsoftheirishenvironment.org
Directors: Caroline Lewis, Tony Lowes

Our enquiries to Michael O'Donnell of National Parks and Wildlife Service on 28 March, 2016 indicate there have been no applications for consent for any notifiable actions.

We refer to our Site Visit Report [attached] and the following Notifiable Actions recorded therein:

Causing erosion by any means

Dumping

Land drainage

Modification of the dune system

Causing erosion by any means

It would appear that the placement of metal poles in concrete footings have led to increased erosion where storm damage has occurred. Approved dune fencing does not include the installation of metal pipes or their footings but is limited to wooden paling fencing. The placement of large straw bales now sodden and decaying along the dune crests appear to be accelerating erosion rather than preventing it by causing the dune crests to collapse.

Dumping

It would appear that an unauthorised dump recorded by Prime Time last night was covered up and mounded with inert material imported for this purpose and the dune crest pulled down to hide the waste without any proper investigation or without reporting this dump to the appropriate authorities. Our photographs show the damage dune face and machinery tracks on the beach. We understand that Clare County Council has no record of an approved waste facility at this location.

The placement of large straw bales now decaying along the dune crests may or may not be dumping, but we would draw it to your attention as it would appear to us to be on a level with the poor farming practices which have so damaged Ireland's dune systems and represent an ongoing threat to the vegetation and so the viability of the protected dune system.

Land drainage

It would appear that land drainage is taking place through the pipes illustrated. It cannot be ruled out that the installation of drainage at this site may damage the delicate hydrology which supports the habitat of *Vertigo angustior* species listed in the site interest for protection, subject of a Management Agreement under Condition 6 of the Planning Permission which specifically prohibits changes in the hydrology and further protected by a Letter of Comfort agreed as part of the settlement of a Judicial Review and Section 27 proceedings protecting the snail in 2000. The report also notes a geomembrane apparently buried under the surface sand of the dune system for which we can find no consent.

Modification of the dune system

Our photographs show a membrane that appears to have been layered on the dune surface and covered with coarse grit, presumably to modify the form of the dune system, a practice prohibited under the planning condition referred to above and the settlement of the legal proceedings agreed with your predecessor.

We also provide photographs in our site report of hessian jute installed along the dune crests where the perimeter of the greens and tees are perched on the crest of the dunes. Wind netting as opposed to traditional paling fencing will disrupt the dynamic movement of the sands and so modify the development of the dune system.

As noted above, the bales referred to above may also modify the natural development of the dune system through their weight accelerating dune crest collapse.

It would appear that extensive modifications have taken place throughout the dune system. In particular, we note that the Management Plan states that 'to avoid disturbance, all tees and greens should be built up on top of the existing habitat and not excavated and built up from below the current surface level.' We have provided you with screen shots of the developer's excavations for this purpose from their website in the appendix to our letter of 13 March, 2015.

As we cannot enter onto the site to investigate these actions, we would be grateful if you investigated these activities to ensure the development has not breached the Conservation Management Plan.

Previous history

Finally, we attach a National Parks and Wildlife Service letter to Shannon Development dated 23 October 1995 which informs Shannon Development that after site visits by your senior scientific staff it had been determined that no golf course development would be allowed along the dunes and the only development permitted would be on the land to the east.

Your Department's resiling from this position was not justified by scientific considerations, as is evident from the affidavit we also attach from Dr. Micheleine Sheehey-Skeffington from our 2000 Judicial Review confirming that there was no scientific justification for the dedesignation of that part of the dune system.

Your redrawing of the boundaries of this site without scientific justification not only allowed significant damage to what your National Parks and Wildlife Services identified in this 1995 letter as a site of 'international conservation value' and the 'only dune of conservation interest in County Clare' but irreparably damaged the lives of people within your organisation and, sadly, within our own.

We would be grateful if you placed this letter and its attachments on the current Doonbeg Development Applications Unit file in order that those who were not involved in this case more than 20 years ago may inform themselves of the origins of this development in order that history does not repeat itself and our natural national heritage be further diminished.

Yours etc.,

Tony Lowes, Director

Cc: Niall Ó Donnchú, Assistant Secretary Niall.Odonnchú@ahg.gov.ie

Attached

- FIE Site Visit to Doonbeg 22 March 2016
- NPWS letter to Shannon Development of 23 October, 1995
- Affidavit of Micheline Sheehy-Skeffington, High Court Judicial Review between Tony Lowes and the Minister for Arts, Heritage, Gaeltacht and the Islands, The Minister for Tourism, Sport, and Recreation, Ireland and the Attorney General, 2000