

AA Determination Statement

Limerick City and Environs Flood Relief Scheme - Ground Investigation works for the Coonagh, Polefield and Ballynaclogh OPW Arterial Drainage Schemes

Introduction

The purpose of this Appropriate Assessment (AA) Determination Statement is to provide a statement for the public and relevant bodies to ascertain that an AA has been conducted in accordance with relevant regulations and allow interested parties to assess the competent authority determination.

The Habitats Directive (Council Directive 92/43/EEC) is implemented in Ireland by European Communities (Birds and Natural Habitats) Regulations, 2011 to 2021. The requirement for AA is set out in Article 6 of the Habitats Directive. In summary, Article 6(3) of the Directive requires an Appropriate Assessment to be undertaken when there is an element of doubt about whether the integrity of a protected site might be affected by the proposed project. The focus of the assessment is the implications that the proposed project/development may have in the context of the rationale behind why an area was designated for protection. Article 6(3) continues that statutory approval can only be granted provided the assessment has indicated that there will be no adverse effects on the integrity of the site. In cases where the integrity of a site is or may be affected then the requirements of Article 6(4) apply.

The Plan or Project

The OPW (as the Commissioners of Public Works in Ireland) has statutory responsibility for the maintenance of drainage schemes completed under the Arterial Drainage Acts 1945 and 1995, as amended. The OPW is the competent authority for the maintenance of the Coonagh, Polefield and Ballynaclogh Arterial Drainage Schemes.

As part of the Limerick City and Environs Flood Relief Scheme, RPS Consulting Engineers have produced an AA Screening and Stage II NIS to assess the impacts of the Limerick City and Environs Flood Relief Scheme Ground Investigation (GI) works for the Coonagh, Polefield and Ballynaclogh OPW Arterial Drainage Schemes.

The OPW has identified a requirement to undertake ground investigation works at certain embankments that form part of the following arterial drainage schemes:

- GI works are proposed within the Coonagh, Polefield and Ballynaclogh drainage schemes – the OPW has maintenance responsibilities for the embankments within these drainage schemes under the Arterial Drainage Acts 1945 and 1995, as amended and the proposed GI works will be carried out under this legislation. The OPW is now undertaking an Appropriate Assessment of the GI works on these embankments, in accordance with its obligations as a competent authority for the purpose of Section 42 (6) and (8) of the EU (Birds and Habitats) Regulations 2011, as amended.
- As part of the Limerick City and Environs Flood Relief Scheme, further additional ground investigation works at locations separate from the arterial drainage scheme embankment locations listed above, will occur and this will be pursued through a separate environmental consent process.

The GI works are to assess the make-up and condition of the existing flood defence embankments to ascertain their potential performance should the Upper Shannon Estuary or Limerick Dock experience a significant future flood event. The objective of the GI works is to establish ground

conditions under and adjacent to the embankments and to understand the composition of the embankments. The GI sites are primarily located within or adjacent to existing flood embankments within the Coonagh, Polefield and Ballynaclogh drainage schemes on the edge of the Upper Shannon Estuary, Limerick Dock and tributaries of the River Shannon, and in proximity to open fields or residential and industrial areas.

The proposed preliminary GI works will be carried out by a competent contractor and will consist of the following:

- 88 No. Borehole Cable Percussion (BH) (shell and auger);
- 41 No. Rotary Cores (BH/RC) (all to follow on from BH);
- 259 No. Cone Penetration Tests (CPTs);
- 30 No. Window Sample (WS) (hand-held);
- 45 No. Groundwater Standpipes; and
- 25 No. Geophysical Surveys

AA Screening

RPS has prepared a Screening for AA report and has assessed that the proposed works, individually or in combination with other plans or projects, and in view of best scientific knowledge, is likely to have a significant effect on relevant European site(s). There is potential for direct and indirect effects on Lower River Shannon SAC (Site Code: 002165) and River Shannon and River Fergus Estuaries SPA (Site Code: 004077). There is also potential for ex-situ effects on Lough Derg (Shannon) SPA (Site Code: 004058), from the remaining GI locations. Therefore, it cannot be excluded, on the basis of objective information, that the proposed GI Works on OPW embankments for the Limerick City and Environs Flood Relief Scheme, individually or in combination with other plans or projects, will have a significant effect on a European Site. A Natura Impact Statement was required to inform Stage 2 Appropriate Assessment.

Potential Impacts

The Screening for Appropriate Assessment identified the aspects of the GI works, which can alone, or in combination with other plans or projects, affect relevant European Sites in the light of their conservation objectives. Consequently when determining these impacts on the qualifying interests of the European site, the threats and pressures on these habitats and species were assessed within the NIS with regards to the potential impacts from the GI works.

Cumulative and in-combination impacts

As assessed in the NIS, no adverse impacts in-combination with the proposed works have been identified. No other plans or projects were identified as having the potential to contribute to cumulative impacts to the identified European sites, in combination with the proposed works, which are small scale and short term in nature.

Avoidance and reduction of impacts

Precautionary measures of avoiding works on particular habitats and during designated times of the year ensures that sensitive habitats and species are left undisturbed. The appropriate season for

carrying out different types of maintenance activity is inherent to the project description. Specific measures to avoid and reduce potential impacts are documented in the mitigation section of the NIS. This ensures that there will be no significant residual impacts on the qualifying interests of the relevant European Sites. Avoidance and mitigation measures are based on the current best practise.

Consultation

No comments on the NIS have been received through the required statutory public consultation process as required under Section 42 of the Birds and Habitats Regulations 2011, as amended. The NIS was sent to NPWS and was open for consultation for the same 6wks as the public consultation period and no comments have been received. The AA Screening and NIS was peer reviewed by environmental personnel from OPW Environment Section. Full records of the assessment, surveys and consultations are held by the competent authority and are available for public review as requested.

Conclusion

The Commissioners of the Office of Public Works, as competent authority, is satisfied that this proposed project on its own or in combination with other plans or projects, will not adversely affect the integrity of any European Site. This decision is based on the complete, precise and definitive findings as presented in the NIS.

Through the implementation of best practice and the recommended mitigation measures there will be no potential for direct, indirect, ex-situ or cumulative impacts arising from the proposed project in combination with any other plans or projects. Therefore, it is concluded that the proposed Limerick City and Environ FRS GI works on the arterial drainage embankments will not adversely affect the integrity of the Lower River Shannon SAC, River Shannon and River Fergus Estuaries SPA, Lough Derg (Shannon) SPA or the overall European site network. No reasonable scientific doubt remains as to the absence of such adverse effects.

Signed:

Nathy Gilligan

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