



AA Determination Statement

*Ground Investigation Works – Shannon Town and Environs Flood Relief Scheme Appropriate Assessment
Screening and Natura Impact Statement, April 2021*

Introduction

Pursuant to Regulation 42(11) of the European Communities (Birds and Natural Habitats) Regulation 2011 (as amended), The Office of Public Works, as a Public Authority, has conducted an Appropriate Assessment (AA) of the proposed Ground Investigation (GI) works as part of the Shannon Town and Environs Flood Relief Scheme, Co. Clare. The purpose of this Determination Statement is to inform interested parties of the Public Authority determination. In accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(11) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended, the OPW has undertaken an Appropriate Assessment to determine whether or not a plan or project would adversely affect the integrity of a European Site(s). In undertaking this determination, the OPW have had regard to:

- The Natura Impact Statement (NIS) prepared on behalf of the OPW by RPS.
- Impact assessment and mitigation contained therein.

The Plan or Project

This NIS relates to the proposed GI works for the proposed Shannon Town and Environs Flood Relief Scheme (FRS). These proposed works are in line with Stage I of the project, to inform the identification and development of a preferred scheme. The overall proposed GI works for the project will consist of two sets of GI works, this is the result of the works taking place within lands (flood embankments) under two separate ownerships/control. As a result, there are two separate statutory approval processes and AA for the proposed GI works in accordance with relevant legislation:

1. Bunratty Rineanna Embankment Scheme (subject of this AA) – Office of Public Works (OPW) has maintenance responsibilities of said embankment and therefore the OPW is the public authority, and has sought comments from National Parks and Wildlife Service (NPWS), on the likely significant impacts on the Lower Shannon SAC and SPA. The works will be carried out under the Arterial Drainage Act 1945.
2. Shannon Airport Embankment Scheme – Shannon Airport Authority has ownership of said embankment and therefore Clare County Council is the competent authority under the Planning and Development Act 2000 as amended who is conducting the AA on the planning application.

The proposed OPW GI works will take place on the Bunratty Rineanna Embankment Scheme. The works will consist of the implementation of two types of borehole methods including cable percussive and rotary core along with cone penetration testing (CPT). The following outlines the number of proposed GI works of each

methodology required; 24 No. borehole cable percussion, 19 No. cone penetration tests, 3 No. borehole rotary core and 21 No. groundwater standpipes. The proposed works will take approximately 4 months to complete.

Avoidance and Reduction of Impacts

The NIS provides an assessment of all potential direct or indirect pathways for adverse effects on the Qualifying Interest (QI) habitats and species of the Lower River Shannon SAC and the Special Conservation Interest (SCI) habitats and species of the River Shannon and River Fergus Estuaries SPA. The effects of disturbance via noise, vibration, lighting, and human presence on the QI and SCI species during the proposed GI works, have been assessed. Standard Operating Procedures (SOPs) will be adhered to during the period of the maintenance works for the avoidance of impact on EU Designated Sites. These and other standard best practice measures, along with specific measures in relation to QI and SCI species of the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA are outlined in the NIS. In accordance with the NPWS consultation, winter bird surveys and monitoring of the SCI bird population and activity will be carried out during site set up and GI activities, if undertaken during the wintering season (October to March inclusive). In addition, a site-specific Invasive Alien Plant Species (IAPS) Management Plan will be prepared for the works area. This ensures that there will be no adverse residual impacts on the qualifying interests of the identified QIs/SCIs of the relevant EU designated sites.

Conclusion

The Office of Public Works (OPW) has determined, pursuant to Regulation 42(11) of the European Communities (Birds and Natural Habitats) Regulation 2011 (as amended) and following a review of the findings of the NIS, that the proposed GI works will not adversely affect the integrity of a European Site. The NIS concludes the following:

'Within this NIS, best practice construction and mitigation measures have been proposed for the avoidance of adverse effects to the European sites within the project ZOI. The implementation of best practice construction design measures and site-specific mitigation during the GI works will retain and treat all potential pollutants within the confines of the proposed GI works site. Provided adherence to the overarching policies and objectives of the national, regional, county and local land use plans and programmes and adherence to licencing and planning conditions for individual projects, there is no potential for plans and projects to have a cumulative impact to European sites, in combination with the proposed GI works.'

Through the implementation of best practice and the recommended mitigation measures there will be no potential for direct, indirect or cumulative impacts arising from the proposed project in combination with any other plans or projects. Therefore, it is concluded that the proposed Shannon Town and Environs Flood Relief Scheme Office of Public Works Ground Investigation works will not adversely affect the integrity of the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA, or the overall European site network. No reasonable scientific doubt remains as to the absence of such adverse effects.'