



Mr. John Martin
Office of Public Works
Head Office
Jonathon Swift Street
Trim
Co. Meath

3 February 2021

**Re: River Bride Flood Defence Scheme, Blackpool, Co. Cork and
Ministerial Consent under Arterial Drainage Acts 1945, 1995 and EIA ADA
Regulations 2019**

Dear John,

I refer to the above scheme which was submitted by the Office of Public Works on 2nd August 2018.

As you aware, there were unavoidable delays in reviewing the scheme for ministerial consent due to the timing of the submission and the concurrent transposition of EU Directive 2014/52 on Environmental Impact Assessment. This revised regulatory framework harmonises the environmental impact assessment process and brings about additional appropriate assessment (AA) responsibilities to the consent process for flood relief schemes, aimed at providing a high level of protection of the environment and human health.

The EU Directive was transposed into Irish law under S.I. No. 472/2019 - Arterial Drainage Regulations (EIA) 2019.

This Department has facilitated a separate and independent public consultation process and contracted environmental consultants to examine the resultant submissions and the Environmental Impact Assessment Report (EIAR) of the scheme, pursuant to the provisions of the Arterial Drainage Acts (1945 and 1995) and subsequent ADA Regulations (2019).

The evaluation consisted of an independent appropriate assessment of the EIAR and Natura Impact Statement (NIS), having regard to the relevant legislation and regulations. This assessment was undertaken by CAAS Ltd, independent consultants with relevant expertise in this area. Taking account of this independent report, it is considered that the EIAR identified, describes and assesses the direct and indirect effects of the proposed scheme.

Therefore, we now propose that the Minister for Public Expenditure and Reform confirm the scheme **subject to a range of conditions** that are considered necessary to avoid, reduce and, if possible, offset any adverse effects of the proposed scheme. These conditions are set out in the Appendix to this letter.

In accordance with regulations, we are now advising the Commissioners that a decision to confirm the proposed scheme has been taken and accordingly are making the following information available to the Commissioners, in the first instance:

- i. The content of the confirmation and the conditions attached thereto,
- ii. The independent reports prepared by the consultants

I would ask that the Commissioners confirm, in writing that they will comply by the conditions set out in summary appendix below and in the detailed reports from the consultants. **Subject to this confirmation**, the next step will be for the Minister to finalise the order confirming the scheme and inform the public of the decision in the local media and on the Department's website.

Yours sincerely,

Brian O'Malley
Central Votes Expenditure Policy Division

Appendix – Conditions for River Bride Flood Relief Scheme

The Department of Public Expenditure and Reform has examined the Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) of the proposed scheme in accordance with the requirements of the European Union (Environmental Impact Assessment) (Arterial Drainage) Regulations 2019.

Background

An EIAR and NIS has been carried out by the Commissioners of Public Works for the Scheme in accordance with the Arterial Drainage Acts, 1945 and 1995 as amended by: by the European Union (Environmental Impact Assessment) (Arterial Drainage) Regulations 2019, herein known as the “Acts”.

The EIAR process included consultations with statutory authorities and a public exhibition by the OPW under the Acts, from 24st November 2015 to 21th December 2015.

Independent Assessment under the “Acts”.

This evaluation by DPER consisted of an impartial assessment conducted by independent consultants CAAS Ltd with appropriate expertise in this area.

The consultants were tasked with undertaking an evaluation of the EIAR and NIS that were produced for the River Bride Flood Relief Scheme. The purpose of the EIAR and NIS Evaluation Reports are to inform the Minister of Public Expenditure and Reform in relation to the impacts of the River Bride Flood Relief scheme before consenting to the River Bride Scheme in accordance with the Acts.

Appropriate Assessment

The Department, having taken account of the independent assessment, considers that the EIAR and NIS submitted complies with the requirements of regulations in that it contains all the information specified and is presented in a comprehensive and adequate manner. The document identifies and describes the likely significant direct and indirect effects of the proposed scheme on the existing environment and comments on the interaction of these.

The EIAR sets out specific mitigation measures to offset and reduce potential environmental and natural impacts and reaches adequate and formulated conclusions with regard to residual impacts.

However, based on the expert recommendations of CAAS Ltd, the Department considers that a number of additional conditions should be attached to the decision to confirm the Scheme. The purpose of these conditions is to avoid, reduce and if possible to offset any major adverse effects (if any) of the proposed Scheme.

Decision

The Minister for Public Expenditure and Reform can confirm the River Bride Flood Relief Scheme subject to the conditions set out below in relation to the appropriate

assessment of both the EIAR and NIS.

The Commissioners are requested to reply in writing confirming that these conditions will be complied with.

It is important to note that these are conditions in addition to those mitigation measures outlined in the various documents already submitted to the Department during the project application process:

Conditions applying to the decision to confirm the scheme

1. The scheme shall be carried out in its entirety in accordance with all the plans, particulars, specifications, undertakings (both commitments and recommendations) including those contained in the Environmental Impact Assessment Report (EIAR), Natura Impact Statement (NIS) and in the supplementary information including the Response to Request for Supplementary Information document and addenda to the EIAR and NIS, save as may be required by other conditions attached hereto.

Reason: To ensure that the development shall be carried out in accordance with the Confirmation Order and that effective control can be maintained.

2. An Environmental Monitoring Group (EMG) shall be established prior to commencement of the works and shall be in place for the full duration of scheme construction including the period of implementation of all construction stage mitigation measures. The EMG shall include representatives of the Office of Public Works and Cork City Council. Cork County Council shall be invited to appoint a representative if it wishes to do so. All updates to the CEMP will be subject to review and formal written agreement by the lead EMG representatives. The EMG shall review all environmental audit results and ensure that remedial actions are agreed and implemented to address any environmental compliance issues on a timely basis. It shall also ensure that environmental impacts during construction of the scheme are managed as required by this order and do not exceed the envelope of effects predicted in the EIAR and NIS including their addenda.

Reason: In the interests of environmental protection and compliance.

3. A derogation license must be obtained prior to commencement of all works which have been identified to impact the maternity bat roost identified in Appendix G of the EIAR Addendum. The conditions associated with this licence must subsequently be adhered to during the implementation of the scheme.

Reason: In the interests of environmental protection and compliance and to minimise the impacts of the scheme on the resting place of bats, which are protected under national and EU legislation.

4. Detailed design of the proposed lighting scheme and of streetscaping works associated with the culverting of the 342m section of the River Bride must be carried out in collaboration with a suitably qualified bat specialist to minimise potential impacts to ecological resources such as bat foraging areas and ensure that the functional connectivity of the maternity roost identified in Appendix G of the EIAR Addendum is maintained. All design specifications must be submitted for written approval of the EMG.

Reason: In the interests of environmental protection and compliance and to minimise the impacts of the scheme on the resting place of bats, which are protected under national and EU legislation.

5. All detailed design proposals affecting fisheries habitat including areas identified in the EIAR as having significant salmonid habitat or spawning value shall be subject to specific agreement with and written approval by the appointed representative of Inland Fisheries Ireland. This agreement shall be provided to the EMG in advance of commencement of such works elements.

Reason: In the interests of environmental protection and compliance,

6. The frequency of Environmental Audits shall be monthly, at least. It shall be reviewed by the EMG and increased, if required, during periods of elevated potential for impacts or in response to frequency or extent of any emerging compliance issues.

Reason: In the interests of environmental protection and compliance.

7. The EMG shall monitor liaison with relevant statutory authorities regarding aspects of construction affecting specific environmental factors, as relevant to each authority. These authorities shall include the Environment, Heritage and Planning sections of Cork City and County Councils, Inland Fisheries Ireland, the National Monuments Service and the National Parks and Wildlife Service sections of the Department of Culture, Heritage and the Gaeltacht.

Reason: In the interests of environmental protection and compliance.

8. A Communication Plan shall be prepared and agreed with the EMG. This plan shall provide for the presentation of clear information on scheduled works along with obligations set out in the EIAR and NIS and proposals in the CEMP. It shall also provide for access to the full Schedule of Mitigation Measures, CEMP and Environmental Audits. It shall specify the format of environmental audit presentation to include summaries and to ensure that the information is readily accessible. This information shall be made publicly available through the project Extranet or equivalent, as well as by any other means agreed with the Councils, such as newsletters for public distribution. The EMG shall monitor adherence to the communication plan.

Reason: In the interests of making information on upcoming and ongoing works, and on environmental compliance, freely available to interested parties.

9. Following completion of the construction phase of the scheme all maintenance works shall be subject to further environmental assessment and compliance requirements as required to ensure ongoing compliance with all applicable statutory guidance and all relevant environmental legislation. This will include, but not be limited to, compliance with the mitigation measures set out in the EIAR and NIS, to ensure the maintenance works are consistent with the predicted envelope of environmental effects, as assessed during the DPER consent process.

Reason: In the interests of clarity and the amelioration of environmental impacts.