

## **Appendix – Conditions for River Fealge (Clonakilty) Flood Relief Scheme**

The Department of Public Expenditure and Reform has examined the environmental impact statement (EIS) of the proposed scheme in accordance with the provisions of the European Union (Environmental Impact Assessment) (Arterial Drainage) Regulations 2012.<sup>2</sup>

### **Background**

An EIS has been carried out on behalf of the Commissioners of Public Works for the Scheme in accordance with the Arterial Drainage Acts, 1945 and 1995 as amended by: European Communities (Environmental Impact Assessment) Regulations, 1989 and 1999; European Communities (Arterial Drainage) Regulations 2009, European Communities (Public Participation) Regulations 2010; and European Union (Environmental Impact Assessment) (Arterial Drainage) Regulations 2012.

JBA Consultants provided the environmental consultancy services for the Scheme, including preparation of the EIS. The EIA process included consultations with statutory authorities and a public exhibition under the Arterial Drainage Acts from 15th December 2014 to 20th January 2015.

### **Independent Assessment**

This evaluation consisted of an impartial assessment conducted by independent consultants Ryan Hanley with appropriate expertise in this area.

The consultants were tasked with undertaking an evaluation of the EIS that was produced for the River Fealge (Clonakilty) Flood Relief Scheme. The purpose of the EIS Evaluation Report is to inform the Minister of Public Expenditure and Reform in carrying out the Environmental Impact Assessment of the River Fealge (Clonakilty) Flood Relief Scheme in accordance with S.I. 469 of 2012, European Union (Environmental Impact Assessment) (Arterial Drainage) Regulations 2012.

### **Assessment**

The Department, having taken account of the independent assessment, considers that the EIS 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 proposal adequately assesses the impact of the proposed development on human beings, flora and fauna, soil, water, air, climate and the landscape, material assets, and the interaction between these factors.

The EIS 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, the Department considers that conditions should be attached to the decision to confirm the Scheme. The purpose of these conditions is

---

<sup>2</sup> SI No. 469 of 2012

to avoid, reduce and if possible to offset any major adverse effects (if any) of the proposed Scheme.

## **Decision**

Therefore, the Minister for Public Expenditure and Reform has decided to confirm the scheme subject to the conditions set out below. It is important to note that these are conditions in addition to those mitigation measures outlined in the various documents submitted to the Department during the project application process:

### **Conditions applying to the decision to confirm the scheme**

1. The OPW shall make available to project staff and contractors, a 'Schedule of Environmental Commitments' containing all proposed mitigation measures outlined in the various documents, which have been submitted as part of the EIS, Amended EIS, NIS, responses to consultations (Public and Statutory) and any other recommendation made as part of the review process. Measures outlined in the 'Schedule of Environmental Commitments' will ensure that they are stipulated as conditions in replacement of the recommendations outlined in the aforementioned documents.

Reason: To protect humans and the environment, including Natura 2000 sites.

2. Section 9.7 of the EIS identifies possible enhancement measures for the scheme that provide opportunities that could be pursued as part of the project. These measures will be carried out as part of the scheme construction and design and will be included in the Schedule of Environmental Commitments for the scheme which make up the scheme confirmation conditions arising out of the EIA process. The following enhancement measures are included in the EIS:

- Construction of an artificial Otter holt in areas around the new flood embankment to provide an additional resting place on the River Fealge.
- Bird and bat boxes will be installed around the works area to provide additional nesting and roosting sites.
- Although any removal of hedgerow is proposed to be mitigated with compensatory planting of hedgerows, additional enhancements will also be made to the existing hedgerows. In appropriate areas hedgerows will be improved, for example by planting up any gaps with native species.
- Street and car park lighting between Rossa Street Bridge and Tobin's Bridge will be reduced in intensity and redirected away from the Fealge River to minimise light disturbance impacts to bats.

Reason: For the Protection and Enhancement of Natural Heritage

3. A Traffic Management Plan where traffic, transportation and road interactions occur with the construction of the scheme will be provided by the contractor in consultation with the OPW and Cork County Council.

Reason: In the interests of health and safety and community

4. All hard and soft landscaped areas shall be managed for a minimum of 12 months post construction, seeding or planting that fails or is considered defective within this period shall be replaced / made good.

Reason: For the protection of visual amenity.