

Minister of State Simon Harris,
OPW,
Stephen's Green,
Dublin 2.

22 January 2016

River Ilen (Skibbereen) Flood Relief Scheme

Dear Simon,

I refer to the above scheme which was submitted by your office.

My Department has examined the environment impact statement (EIS) of the scheme in accordance with the provisions of the European Union (Environmental Impact Assessment) (Arterial Drainage) Regulations 2012¹. The evaluation consisted of an independent assessment of the EIS conducted by consultants on behalf of my Department having regard to the EIA regulations. Taking account of this independent report, I consider that the EIS identifies, describes and assesses the direct and indirect effects of the proposed scheme.

Therefore, I now propose to confirm the scheme subject to the conditions that I consider necessary to avoid, reduce and, if possible, offset the major adverse effects (if any) of the proposed scheme. These conditions are set out in the annex to this letter.

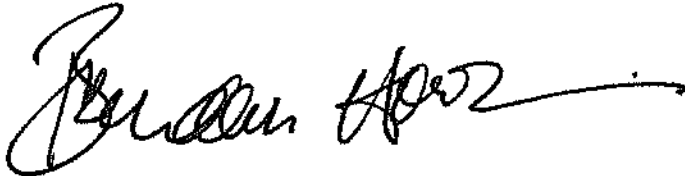
In accordance with regulations, I am now advising the Commissioners that a decision to confirm the proposed scheme has been taken and accordingly am now making the following information available to the Commissioners, in the first instance:

¹ SI No. 469 of 2012

- i. the content of the confirmation and the conditions attached thereto,
- ii. the evaluation concludes that the EIS identifies, describes and assesses the direct and indirect effects of the proposed scheme's direct and indirect effects on the following factors:
 - a. human beings, flora and fauna;
 - b. soil, water, air, climate and the landscape;
 - c. material assets and the cultural heritage, and
 - d. the interaction among the factors,
- iii. the independent report prepared by the consultants; and
- iv. information for the public on the procedures available to review the substantive and procedural legality of the decision.

I would ask that the Commissioners confirm that they will comply by the conditions set out in the appendix. Subject to this confirmation, the next step will be 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,

A handwritten signature in black ink, appearing to read 'Brendan Howlin', with a long horizontal flourish extending to the right.

Brendan Howlin, TD,

Minister for Public Expenditure and Reform.

Appendix – Conditions for River Ilen (Skibbereen) Flood Relief Scheme

The Department of Public Expenditure and Reform has examined the environmental impact statement (EIS) of proposed scheme in accordance with the provisions of the European Union (Environmental Impact Assessment) (Arterial Drainage) Regulations 2012².

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 to 1999; European Communities (Arterial Drainage) Regulations 2009; European Communities (Public Participation) Regulations 2010 and European Union (Environmental Impact Assessment) (Arterial Drainage) Regulations 2012.

RPS provided the environmental consultancy services for the Scheme, including preparation of the EIS. The EIA process included consultations with statutory authorities, a public consultation day in January 2011 and public exhibition between 11 April and 10 May 2013.

Independent Assessment

This evaluation consisted on an impartial assessment conducted independent consultants (Ryan Hanley, Consulting Engineers) with appropriate expertise in this area.

The consultants were tasked with undertaking an evaluation of the EIS that was produced for the River Ilen (Skibbereen) 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 Ilen (Skibbereen) Flood Relief Scheme in accordance with S.I. 469 of 2012, European Union (Environmental Impact Assessment) (Arterial Drainage) Regulations 2012. Before finalising their report, the consultants took account of additional information provided by the RPS Group on behalf of the OPW.

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 natura 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 conditions. The purpose of these conditions is to avoid, reduce and if possible offset any major adverse effects (if any) of the proposed Scheme.

² SI No. 469 of 2012

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 my Department during the project application process:

Conditions applying to the decision to confirm the scheme

- 1) The OPW shall seek confirmation from the DAHG on both built heritage and natural heritage to confirm that there are no objections or specific requirement for the proposed development.

Reason: In the interest of conservation and natural and built heritage.

- 2) The OPW obtain a statement of no objection or of the project requirements from Inland Fisheries Ireland (IFI) to be included as necessary in the final conditions for the project.

Reason: In the interest of the aquatic environment and fisheries.

- 3) The OPW shall make available to project staff and contractors, a 'Schedule of Commitments' containing all proposed mitigation measures outlined in the various documents, which have been submitted as part of the planning application, responses to consultations (Public and Statutory) and any other recommendation made as part of the review process.

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

- 4) The contractor will ensure that access will be provided for vulnerable users (e.g. pedestrians and cyclists) at the location of JFK Bridge during construction phase.

Reason: to ensure access within and between communities.

- 5) No instream works will be permitted between September and March inclusive.

Reason: For the protection of Fisheries.

- 6) Mitigation measures identified within EIS 7.5.2 Operation (page 7-22) state "input from a qualified fisheries/aquatic engineering specialist with experience in the design of instream structures is required into the design of culverts....." These measures shall be amended where appropriate to ensure inclusion of open culverts / U shaped Channels.

Reason: Reason: For the protection of fisheries.

- 7) At Pre-construction phase the Method Statements for all instream works will be completed in detail and in agreement with IFI.

Reason: For the protection of fisheries.

- 8) Best practice silt control measures shall be put in place at construction phase to prevent direct discharge of silt laden run-off to receiving waters. These silt control measures may include double silt curtains and bunding, silt busters or equivalent. The design of silt control measures shall be subject to a flood risk assessment.

Reason: For the protection of fisheries.

9) Landscape Rehabilitation Plans will be finalised in consultation with Cork County Council.

Reason: For the protection of landscape amenity and urban planning.

10) During site excavation topsoil will be correctly stripped and stored for subsequent use in landscape reinstatement where feasible.

Reason: For the protection of visual amenity.

11) Every effort will be made to retain trees and hedgerows, especially where such trees are of good quality – unless such trees would be adversely or directly impacted by the proposed works.

Reason: For the protection of visual amenity.

12) A Landscape Rehabilitation Plan will include measures for the treatment and / or avoidance of spread of invasive species.

Reason: For the protection of visual amenity.

13) 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.

14) Construction works on the Caol Stream will be designed to ensure no risk of flooding occurs. Method Statements will be made available pre construction for approval.

Reason: Protection from flood risk.

Brendan Howlin, TD

Minister for Public Expenditure and Reform.

22 January 2016