

20/3/16 March, 2016

Our Ref: 160039/PER

Copy

Mr Simon Harris, T.D.
Minister of State
Office of Public Works
52 St Stephen's Green
Dublin 2

River Bandon (Bandon) Flood Relief Scheme

Dear Simon

I refer to the above scheme which was submitted by your office on 18 December 2015.

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 2012.¹ 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 identified, 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

¹ SI No. 469 of 2012

information available to the Commissioners, in the first instance:

- 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 consultant, 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, sweeping underline.

Brendan Howlin, T.D.
Minister for Public Expenditure and Reform

Appendix – Conditions for River Bandon (Bandon) 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 2012.²

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.

Ryan Hanley 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 11th June to 9th July 2012.

Independent Assessment

This evaluation 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 EIS that was produced for the River Bandon (Bandon) 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 Bandon (Bandon) 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 [insert group name] 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

² SI No. 469 of 2012

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 conditions. 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

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 scheme shall be carried out in its entirety in accordance with all the plans, particulars, specifications and undertakings included in the Environmental Impact Statement and the Environmental Impact Statement Addendum, 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. A Schedule of Environmental Commitments containing all proposed mitigation and monitoring measures contained in the EIS and associated documents, as modified by the conditions attached hereto, shall be prepared. All contractors shall be made aware of this Schedule prior to preparation of detailed work method statements.

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

3. A Monitoring Group shall be established prior to commencement of the works and shall be in place for the implementation of the full scheme including mitigation measures. This Group shall include representatives of the Office of Public Works and Cork County Council.

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

4. A Construction Environmental Management Plan (CEMP) shall be prepared prior to commencement of each stage of the works. The CEMP shall describe the construction sequence with emphasis on individual work elements with potential to cause significant environmental effects. It shall clearly describe specific measures to ensure that detailed plans and working methods for implementation of mitigation and monitoring measures conform with the proposals assessed in the Environmental Impact Statement and associated documents, as modified by the conditions attached hereto.

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

5. The periods covered by, and the organisation of work elements into, each stage of the works referred to in condition 4 shall be devised prior to commencement of the initial stage of the works and shall be set out in the initial version of the CEMP. The initial version of the CEMP shall be prepared prior to the initial works, i.e. the detailed site investigation works. Each revision of the CEMP will take account of available monitoring results.

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

6. The OPW shall consult with all relevant statutory authorities regarding the final interpretation of all aspects of the CEMP affecting specific environmental factors, as relevant to each authority. These authorities shall include the Environment, Heritage and Planning sections of Cork County Council, Inland Fisheries Ireland (IFI), and the Built Heritage & Architectural Policy, National Monuments Service and the National Parks and Wildlife Service (NPWS) sections of the Department of Arts, Heritage and the Gaeltacht. Prior to commencement of each stage of the works the OPW shall confirm, in writing, with these authorities that CEMP correctly describes and gives effect to the mitigation measures required by the EIA of the project.

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

7. The CEMP shall include detailed measures to confirm how the water quality monitoring and control measures set out in the EIS and associated documents will be implemented. These measures will be devised in consultation with Inland Fisheries Ireland to demonstrate how each element of the works will be mitigated to comply with statutory water quality requirements. IFI, Cork County Council and Irish Water and the NPWS shall be informed about the planned parameters and frequency of monitoring to confirm that the details conform with the expectations of these agencies as expressed during consultation. The CEMP will be revised to take due account of any feedback from these agencies.

Reason: In the interests of ensuring the amelioration of environmental impacts and protection of drinking water supply to the Inishannon Regional Water Supply Scheme (RWSS).

8. Baseline water quality data shall be collected for the Kilbrittain Stream, Moanarone Stream and the Mill River. This shall be sufficient to enable monitoring of water changes using the parameters agreed at **Error! Reference source not found.** above.

Reason: In the interests of environmental protection.

9. The CEMP shall describe and confirm provisions for ensuring that personnel with suitable training and equipment are available to effectively deal with any occurrences with potential to affect water quality, including malfunction of any environmental protection system or mitigation measure or any occurrence or emergency which could reasonably be anticipated to give rise to pollution.

Reason: In the interests of environmental protection.

10. The CEMP shall describe and confirm how all relevant requirements arising from the Water Framework Directive are addressed. This shall ensure compliance with the South Western River Basin District Management Plan.

Reason: In the interests of environmental protection and compliance.

11. The CEMP shall describe and confirm how an environmental testing and monitoring schedule for earthworks material to be removed from or reused within the scheme shall be implemented. The CEMP shall describe and confirm the procedure for taking at least one soil sample and laboratory analysis of material (soil/subsoils and/or bedrock) per 1,000 tonnes of material excavated.

Reason: In the interests of environmental protection.

12. The CEMP shall describe and confirm how hot spots of soil/subsoil contamination encountered will be recorded (by visual or olfactory evidence), and how sampling and testing will be increased to an appropriate frequency depending on the environment risks posed. The CEMP shall describe and confirm how suitably designed quarantine area for suspected contaminated soils will be established within the works area.

Reason: In the interests of environmental protection.

13. An Environmental Officer shall be appointed for the duration of the works. This shall include the final stage of works to implement fisheries mitigation measures. The Environmental Officer shall liaise with contractors, the Monitoring Committee and statutory authorities as relevant regarding the detailed implementation of all mitigation and monitoring measures contained in the Schedule of Commitments.

Reason: In the interests of clarity, the amelioration of environmental impacts and ongoing implementation of effective controls.

14. The Environmental Officer shall prepare Environmental Compliance Reports throughout the works that summarise compliance with the Schedule of Environmental Commitments. These reports shall include available monitoring results and refer to sequencing and work elements set out in the CEMP. They shall be made available to the relevant statutory authorities. The frequency of these reports should be at least once per month while works are ongoing. A final Environmental Compliance Audit Summary shall also be provided.

Reason: To ensure that baseline conditions are within the range anticipated in the EIS and associated documents. To also ensure that environmental effects are within the envelope of likely effects predicted in the EIS and associated documents.

15. A Communication Plan shall be prepared, agreed with Cork County Council and implemented. This plan shall provide for the presentation of clear information on scheduled works along with corresponding obligations set out in the Schedule of Commitments and proposals in the CEMP. It shall also provide for access to the full Schedule of Commitments,

CEMP, Environmental Compliance Reports and final Environmental Compliance Audit Summary. This information shall be made publicly available online as well as by any other means agreed with Cork Co Council such as newsletters for public distribution.

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

16. The CEMP shall describe and confirm how safe access to water level from selected points on the river banks shall be incorporated into the scheme as part of the detailed design of mitigation measures. The designs and locations of access points shall facilitate access to the water for amenity purposes including angling. The locations, designs and number of these access points shall be agreed with Cork County Council and be subject to consultation with Inland Fisheries Ireland.

Reason: To ensure safe continuation of amenity uses.

17. The OPW shall describe and confirm final finishes and landscaping details for all new structures, improved structures and built elements, including underpinned sections of river walls and bridge piers design for the Built Heritage & Architectural Policy section of the Department of Arts, Heritage and the Gaeltacht and with Cork County Council. These details will be agreed in writing with Cork County Council prior to construction.

Reason: In the interests of visual amenity and of proper planning and sustainable development of the area.

18. Following completion of the scheme all maintenance works shall be subject to further environmental assessment and compliance requirements as applicable.

Reason: To ensure continued assessment of environmental effects in compliance with relevant legislation.