An Roinn Turasóireachta, Cultúir,
Ealaíon, Gaeltachta, Spóirt agus Meán
Department of Tourism, Culture,
Arts, Gaeltacht, Sport and Media

24th May 2021

Mr. Vincent O'Malley,
Transport Infrastructure Ireland,
[redacted]

via email to: [redacted]

Re: Submission of Natura Impact Statement to the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media pursuant to the requirements of Regulation 42(9)(c) of the European Communities (Birds and Natural Habitats) Regulations, 2011 (as amended).

Ballyragget Pipe Bridge (KK-N77-005.00), Co. Kilkenny; Tagoat Bridge (WX-N25-002.00), Co. Wexford; and Mattymount Bridge, Co. Wicklow (WW-N81-004.00).

Dear Mr. O'Malley,

The Department is in receipt of your email dated 12th April 2021 in respect of Ballyragget Pipe Bridge (KK-N77-005.00), Co. Kilkenny; Tagoat Bridge (WX-N25-002.00), Co. Wexford; and Mattymount Bridge, Co. Wicklow (WW-N81-004.00) and has reviewed the Natura Impact Statement (NIS) referred to the Minister in this regard.

Ballyragget Pipe Bridge [KK-N77-005.00], Co. Kilkenny

Ballyragget Pipe Bridge is a corrugated steel pipe measuring 2.85 m in diameter and 26 m in length. The bridge is located c. 300 m west of Ballyragget, Co. Kilkenny. It is within the River Barrow and River Nore Special Area of Conservation (SAC) (Site Code 002162) and flows into the River Nore Special Protection Area (SPA) (Site Code 004233) < 30 m downstream.

The following works are proposed at this structure:

• Installation of concrete base (70 m^2).

Further down the document it is stated that the project will also include removal of exposed rebar on northeast spandrel wall next to fence (0.1 m^2). The Department advises that this element of the project must be described.

The works at Ballyragget Pipe Bridge are expected to take approximately one week.

<u>European sites</u>

The Department agrees that there are two European sites within the likely zone of influence, River Barrow and River Nore SAC and the River Nore SPA.

Baseline data

Given that the main adverse effects from the proposed project are related to water quality, the Department considers that baseline water quality data should be presented and reference should be made to water quality requirements of Qualifying Interests (QI's) within the projects zone of influence.

The NIS states that the site was surveyed in 2018. Details of this survey should be provided in the NIS along with a review of the validity of the survey given its age (> 3 years old).

[redacted]

Mitigation is included for otter, which indicates that there is a likelihood of direct impacts on this QI species. Therefore, the Department advises that an otter survey must be carried out. Otters are prone to disturbance, within 150m of natal holts and therefore the survey must be adequate to determine such impacts.

Assessment of Adverse Effects

The NIS should focus on assessing the implications for the site of the project, individually or in combination with other plans or projects, in view of the site's conservation objectives. The Department notes that Site Specific Conservation Objectives are available for the River Barrow and River Nore SAC[1], while Generic Conservation Objectives are available for the River Nore SPA.[2]

The NIS states that there is potential for adverse effects on freshwater pearl mussel, white-clawed crayfish, lamprey species, Atlantic salmon, otter and kingfisher. The NIS should list all the Qualifying Interest of the sites within the projects zone of influence and specify how adverse effects have been ruled in or out in each case with reference to the sites' conservation objectives. Should adverse effects be ruled in, details of these effects (i.e. indirect, direct, temporary, permanent) as well as their significance should be provided with reference to the sites conservation objectives.

The NIS states that the remaining Qualifying Interests are associated with estuarine habitats downstream below the tidal limit (>50 km downstream at Inistioge) or are terrestrial habitats which are not hydrologically connected to or present at the location of the works. However, the Department considers that the QI habitat '[3260] Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation' may lie within the project's zone of influence and this should be clarified. All other QIs including '91E0 * Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion, Alnion incanae, Salicion albae*)' and '6430

[1] NPWS (2011) Conservation Objectives: River Barrow and River Nore SAC 002162. Version 1.0. National Parks
and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
[2] NPWS (2021) Conservation objectives for River Nore SPA [004233]. Generic Version 8.0.
Department of Housing, Local Government and Heritage

Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels' must be considered further.

The Department considers that, in the absence of adequate surveying in this area, disturbance to otter holts cannot be discounted and advises that this should be considered further as the proposed project will take place within the main otter breeding season (May to August). Consideration of disturbance to breeding otter should be considered in the wider area as well as within the project footprint. TII guidelines[3] state that no works should be undertaken within 150m of any holts at which breeding females or cubs are present.

The NIS states that the proposed works will create a temporary barrier for commuting otters during construction phase. The Department does not consider the barrier to otter movement to be significant as the pipe lies within 30m of the River Nore, which provides an alternative commuting route close-by. In addition it is noted that the watercourse is ephemeral.

Mitigation

Water quality

The Department considers that water quality impacts may result from this project in the absence of mitigation, particularly should it take place at a time when there is a flow in the watercourse, which it is noted is dry for periods during the year. The majority of mitigation outlined in the NIS relates to the protection of water quality. The Department considers that physiochemical trigger values for cessation of operations must be included. These should be based on the requirements of water dependent Qualifying Interests as outlined in conservation objective attributes and targets and should consider baseline water quality within the project's zone of influence. The degree of monitoring should be commensurate with the level of risk to water quality involved. It should be explicitly stated that no herbicide will be used on this project, including to treat tree stumps.

The advice of this Department is that complete project details, including detailed mitigation measures need to be provided in order to allow an adequate Appropriate Assessment to be undertaken. Further details of the following water quality mitigation measures must be provided;

- Details of the corrosion inhibitor and primer to be applied to the steel. It is not sufficient to state that the selected product will be approved for use by the Employer's Representative and the Contractor's Ecologist. An assessment of the likely impacts resulting from the use of the specified product must be included in the NIS.
- The silt trap into which water will be pumped, its capacity and proven effectiveness. The predicted volume of water to be pumped based on stream flow data should also be provided along with monitoring requirements to ensure effective functioning.
- Any details to be included in the proposed Method Statement which will be relied on as mitigation and are not already included in the NIS.

[3] https://www.tii.ie/tii-library/environment/construction-guidelines/Guidelines-for-the-Treatment-of-Otters-prior-to-the-Construction-of-National-Road-Schemes.pdf

- The Department considers that physiochemical monitoring is required downstream of the works and should be included in the NIS. Specific monitoring points should be specified. The degree of monitoring should be commensurate with the level of risk to water quality involved.
- Details of the mobile catch nets which will be used to prevent mortar and/or wet concrete entering the river channel must be provided.
- Details of the flume which will be constructed to carry the stream through the structure including the screen at the inlet to prevent fish and debris entering it.
- Given the sensitivity of this location within an SAC, detailed emergency procedures to be followed in the case of any accidental spillages should be included in the NIS.

Residual Impacts and Conclusion/ Recommendation

The Department recommends that the conclusion of the NIS should take into account the three projects documented in the NIS and should be towards the end of the document to account for in-combination effects of the three bridge repair projects, if any.

Other Ecological Impacts

In addition to Appropriate Assessment, in the interests of biodiversity protection, the Department recommends that the following surveys should take place prior to the commencement of this project; nesting bird survey.

Tagoat Bridge [WX-N25-002.00], Co. Wexford

Tagoat Bridge is a single-span, 9.6 m long and 2.5 m wide masonry arch bridge, which is extended by a 17 m long, 1.7 m diameter corrugated pipe. A shallow stream flows through it and it is easily accessible on foot. The structure is located in the village of Tagoat, Co. Wexford (ITM 709895 611434). The structure is 4 km upstream of the South Slobs which are part of the Wexford Harbour and Slobs SPA, and 7 km upstream of Wexford Harbour which is designated as the Slaney River Valley SAC.

The following works are proposed at this structure:
• Installation of concrete base (40 m^2).
• Removal of exposed rebars on northeast spandrel wall next to fence (0.1 m^2).

The works at Tagoat Bridge are expected to take approximately one week and will include the installation of the concrete base in the masonry arch as well as the corrugated steel structure.

European sites

Given that there are a number of other Natura 2000 sites with hydrological connectivity to the proposed project, the Department recommends that the NIS includes a summary of the AA screening report, documenting how these other sites were excluded.

Baseline data

Given that the main adverse effects from the proposed project are related to water quality, the Department considers that baseline water quality data should be presented and reference should be made to water quality requirements of Qualifying Interest (QI) species and habitats within the projects zone of influence.

Field survey details should be included and if the assessment was desk based only, this must be specified.

Mitigation is included for otter, which indicates that there is a likelihood of direct impacts on this species, the Department advises that an otter survey must be carried out. Otters are prone to disturbance, within 150m of natal holts and therefore the survey must be adequate to determine such impacts.

In addition, it is unclear whether the current structure is providing a barrier to otter movement, particularly in times of high flow. Cylindrical culverts fill rapidly after rainfall, leading to high water speeds. Otters are disinclined to use water-filled culverts without dry pathways. It is not stated whether any provision for otter has been made in the existing culvert structure.

Assessment of Adverse Effects

The NIS should focus on assessing the implications for the site of the project, individually or in combination with other plans or projects, in view of the site's conservation objectives. The NIS states that there is potential for adverse effects on the Qualifying Interests of the European Sites that occur downstream of the works. The NIS should list all the Qualifying Interest of the sites within the projects zone of influence and specify how adverse effects have been ruled in or out in each case with reference to the sites' conservation objectives. Should adverse effects be ruled in, details of these effects (i.e. indirect, direct, temporary, permanent) as well as their significance should be provided with reference to the sites conservation objectives.

Otter

The Department considers that, in the absence of adequate surveying in this area, disturbance to otter holts cannot be discounted and advises that this should be considered further as the proposed project will take place within the main otter breeding season (May to August). Consideration of disturbance to breeding otter should be considered in the wider area as well as within the project footprint. TII guidelines[4] state that no works should be undertaken within 150m of any holts at which breeding females or cubs are present.

The existing culvert may be a barrier to otter movement, particularly, during period of high flow. It is not clear whether the proposed works will increase this barrier effect.

[4] https://www.tii.ie/tii-library/environment/construction-guidelines/Guidelines-for-the-Treatment-of-Otters-prior-to-the-Construction-of-National-Road-Schemes.pdf

Mitigation

Water quality

The Department considers that water quality impacts are likely to result from this project in the absence of mitigation and notes that the majority of mitigation outlined in the NIS relates to the protection of water quality. The Department considers that physiochemical trigger values for cessation of operations must be included. These should be based on the requirements of water dependent Qualifying Interests as outlined in conservation objective attributes and targets and should consider baseline water quality within the project's zone of influence. It should be explicitly stated that no herbicide will be used on this project, including to treat tree stumps.

The advice of this Department is that complete project details, including detailed mitigation measures need to be provided in order to allow an adequate appropriate assessment to be undertaken. Further details of the following water quality mitigation measures must be provided;

- Details of the corrosion inhibitor and primer to be applied to the steel. It is not sufficient to state that the selected product will be approved for use by the Employer's Representative and the Contractor's Ecologist. An assessment of the likely impacts resulting from the use of the specified product must be included in the NIS.
- The silt trap into which water will be pumped, its capacity and proven effectiveness. The predicted volume of water to be pumped based on stream flow data should also be provided along with monitoring requirements to ensure effective functioning.
- Any details to be included in the proposed Method Statement which will be relied on as mitigation and are not already included in the NIS.
- The Department considers that physiochemical monitoring is required downstream of the works and should be included in the NIS. Specific monitoring points should be specified.
- Details of the mobile catch nets which will be used to prevent mortar and/or wet concrete entering the river channel must be provided.
- Details of the flume which will be constructed to carry the stream through the structure including the screen at the inlet to prevent fish and debris entering it.
- Given the sensitivity of this location within an SAC, detailed emergency procedures to be followed in the case of any accidental spillages should be included in the NIS.

Otter

The mitigation section of the NIS states that the area inside the dam will be fitted with a ramp to allow otter to escape and that otter will be prevented from entering pipes by using screens, silt bags or other capping. However, this may mean that commuting otters will be directed onto a road to re-join the stream. This should be clarified and if this is the case, the possibility of road casualties should be assessed and mitigation put in place, if necessary.

Residual Impacts and Conclusion/ Recommendation

The Department recommends that the conclusion of the NIS should take into account the three projects documented in the NIS and should be towards the end of the document to account for in-combination effects of the three bridge repair projects, if any.

Other Ecological Impacts

In addition to Appropriate Assessment, in the interests of biodiversity protection, the Department recommends that the following surveys should take place prior to the commencement of this project; nesting bird survey and bat survey.

Mattymount Bridge [WW-N81-004.00], Co. Wicklow

Mattymount Bridge is a three-span masonry arch bridge which crosses a small river, East Spinans, 45 m upstream of the confluence with the River Slaney. The bridge is located c. 3 km north of Baltinglass, Co. Wicklow (ITM 687720 691492) and is within the Slaney River Valley SAC. The spans range from 2.45 m to 3 m in diameter. A series of rock ramps are immediately below the bridge.

The proposed works at this bridge are:
• Installation of concrete scour apron below masonry repairs (1 m2).
• Repair of masonry on wingwall down to water level (1 m2).

The works at Mattymount Bridge are expected to take approximately one week.

European sites

The Department agrees that there is one European site within the likely zone of influence, Slaney River Valley SAC (Site Code 0781).

Baseline data

Given that the main adverse effects from the proposed project are related to water quality, the Department considers that baseline water quality data should be presented and reference should be made to water quality requirements of Qualifying Interest species and habitats within the projects zone of influence.

Field survey details should be included and if the assessment was desk based only, this must be specified.

As mitigation is included for otter, with indicates that there is a likelihood of direct impacts on this species, the Department advises that an otter survey must be carried out. Otters are prone to disturbance, within 150m of natal holts and therefore the survey must be adequate to determine such impacts.

Assessment of Adverse Effects

The NIS should focus on assessing the implications for the site of the project, individually or in combination with other plans or projects, in view of the site's conservation objectives. The Department notes that Site Specific Conservation Objectives are available for the Slaney River Valley SAC.[5]

The NIS states that there is potential for adverse effects on Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation, Freshwater Pearl Mussel, Lamprey species, Atlantic Salmon and Otter. The remaining Qualifying Interests are associated with estuarine habitats downstream below the tidal limit (>50 km downstream) or are terrestrial habitats which are not hydrologically connected to the works. The NIS should list all the Qualifying Interest of the sites within the projects zone of influence and specify how adverse effects have been ruled in or out in each case with reference to the sites' conservation objectives. Should adverse effects be ruled in, details of these effects (i.e. indirect, direct, temporary, permanent) as well as their significance should be provided with reference to the sites conservation objectives.

Mitigation

Water quality

The Department considers that water quality impacts are likely to result from this project in the absence of mitigation and notes that the majority of mitigation outlined in the NIS relates to the protection of water quality. The Department considers that physiochemical trigger values for cessation of operations must be included. These should be based on the requirements of water dependent Qualifying Interests as outlined in conservation objective attributes and targets and should consider baseline water quality within the project's zone of influence. It should be explicitly stated that no herbicide will be used on this project, including to treat tree stumps.

The advice of this Department is that complete project details, including detailed mitigation measures need to be provided in order to allow an adequate appropriate assessment to be undertaken. Further details of the following water quality mitigation measures must be provided;

- Details of the corrosion inhibitor and primer to be applied to the steel. It is not sufficient to state that the selected product will be approved for use by the Employer's Representative and the Contractor's Ecologist. An assessment of the likely impacts resulting from the use of the specified product must be included in the NIS.
- The silt trap into which water will be pumped, its capacity and proven effectiveness. The predicted volume of water to be pumped based on stream flow data should also be provided along with monitoring requirements to ensure effective functioning.

[5] NPWS (2011) Conservation Objectives: Slaney River Valley SAC 000781. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

- Any details to be included in the proposed Method Statement which will be relied on as mitigation and are not already included in the NIS.
- The Department considers that physiochemical monitoring is required downstream of the works and should be included in the NIS. Specific monitoring points should be specified.
- Details of the mobile catch nets which will be used to prevent mortar and/or wet concrete entering the river channel must be provided.
- Details of the flume which will be constructed to carry the stream through the structure including the screen at the inlet to prevent fish and debris entering it.
- Given the sensitivity of this location within an SAC, detailed emergency procedures to be followed in the case of any accidental spillages should be included in the NIS.

Otter

The mitigation section of the NIS states that the area inside the dam will be fitted with a ramp to allow otter to escape and that otter will be prevented from entering pipes by using screens, silt bags or other capping. However, this may mean that commuting otters will be directed onto a national road to re-join the stream. This should be clarified and if this is the case, the possibility of road casualties should be assessed and mitigation measures included in the NIS, if necessary.

Residual Impacts and Conclusion/ Recommendation

The Department recommends that the conclusion of the NIS should take into account the three projects documented in the NIS and should be towards the end of the document to account for in-combination effects of the three bridge repair projects, if any.

Other Ecological Impacts

In addition to Appropriate Assessment, in the interests of biodiversity protection, the Department recommends that the following surveys should take place prior to the commencement of this project; nesting bird survey and bat survey.

Yours sincerely,

Gerry Clabby
Head of Ecological Assessment
[redacted]