



Our Ref: 5162160CO248

Vincent O'Malley
Transport Infrastructure Ireland



16th June 2021

By email to: 

Re. Submission of Natura Impact Statement pursuant to the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media pursuant to the requirements of Regulation 49(9)(c) of the European Communities (Birds and Natural Habitats) Regulations, 2011 (as amended)

NW Term Maintenance Contract 3 – Teesan Culvert – Natura Impact Statement

Further to the submission of a Natura Impact Statement relating to works proposed to be undertaken at Teesan Culvert, Co. Kerry correspondence was received from Gerry Clabby, Head of Ecological Assessment, National Parks and Wildlife Service dated 18th May 2021.

This correspondence acknowledged Transport Infrastructure Ireland's (TII) email dated 6th April 2021 in respect of the project referred to above and confirmed that they had reviewed the Natura Impact Statement (NIS) referred to the Minister in this regard.

Matters related to Appropriate Assessment

Point 1a

“The Department would like to highlight the requirement to assess all the identified impacts on each QI and SCI, in view of the conservation objectives, of the European sites. While it is acknowledged that Site Specific Conservation Objectives (SSCOs) are referenced for Cummeen Strand SPA, the NIS has not referred to the SSCO for Cummeen Strand/Drumcliff Bay SAC in sufficient detail with respect to the attributes and targets in Section 5.2.1.2.”

Response

The European sites and their qualifying interests that are within the zone of influence (Zol) of the proposed project are detailed in Sections 5.1.1 and 5.1.2 and Tables 5-1 and 5-2. The European sites within the Zol of the proposed project are Cummeen Strand SPA and Cummeen Strand/Drumcliff Bay SAC. With respect to the SAC, due to the nature and extent of the proposed project and the size and geographic range of the SAC, not all qualifying interests of the SAC are within the Zol of the proposed project. Thus, the qualifying interests within the Zol of the proposed project are determined in Table 5-4, which includes a rationale specific to each qualifying interest. The site specific conservation objectives for each qualifying interest of the SAC with the Zol of the proposed project are detailed in Section 5.2.1.2 of the NIS. Section 6.22 of the NIS discusses the potential impacts posed by the proposed project in relation to the qualifying interests that are within the Zol of the proposed project and their attributes and targets, which are set out in Table 6-1. All information and data regarding European sites (e.g. site synopsis, qualifying interests, conservation objectives and threats) was sourced from the NPWS website and is referenced within the NIS.



Point 1b

“The Department notes that ‘Wetlands and Waterbirds [A999]’ Special Conservation Interest (SCI) has not been included in Table 5-7 on page 30 of the NIS.”

Response

While Wetlands and Waterbirds [A999]’ Special Conservation Interest (SCI) has not been included in Table 5-7 on page 30 of the NIS, it is listed in Section 5.2.2.1 – Features of Interest for Cummeen Strand SPA (004035). This SCI is listed in Table 5-5, which details the target for the SCI; *‘The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 1732 Ha, other than that occurring from natural patterns of variation’*. The SCI is further considered under Section 6.2.2 (Potential impacts during the works). This qualifying interest has been considered within the NIS.

Point 1c – Mitigation

NPWS’s comments with respect to General and Specific Mitigation measures are noted. All proposed mitigation measures should be viewed as important for and specific to Teesan Culvert. Therefore, all proposed measures have been moved to a single category of ‘Mitigation Measures’ and are listed as follows: -

1. Due to project programming, initially it was unclear as to when works would be undertaken. As a result, a derogation licence was applied for and received from Inland Fisheries Ireland (see Appendix A). However, it is now intended to undertake works within the Fisheries open season (July-September). Irrespective of this, the proposed works shall be carried out under the derogation licence obtained from IFI and adhere to the conditions set out in the licence, which are incorporated in the mitigation measures outlined below.
2. A suitably qualified Ecological Clerk of Works will be appointed that will be responsible for ecological and environmental issues onsite. This person and all other personnel will be familiar with the course of action to be taken in the event of a potential pollution event. They will also maintain records of incidents on site and be responsible for ensuring that the method statement and mitigation measures outlined in this NIS are implemented, which will also include the set-up and removal of the temporary dam set-up. This person will also liaise with IFI and NPWS staff where necessary. In the case that the Contractor’s ecologist is appointed to act as Ecological Clerk of Works, Atkins will provide oversight on behalf of TII.
3. The site manager shall monitor the 10-day weather forecast. The works shall not take place during high river flows or prior to forecasts of heavy rainfall. High river flows constitute river flows that will top the dams or will be in excess of pumping capabilities. If such conditions are forecast, the works area shall be secured and all materials, including the elements of the dam system (sandbags, silt fences, pumps and associated pipes and silt socks) will be removed from the works area and riverbanks. Upon subsidence of flows, the dam system shall be re-instated upstream and downstream of the culvert and the works area de-watered before works can recommence.
4. A Temporary Traffic Management zone will be created within the road corridor. This shall be used for parking and deliveries of materials.
5. All site staff will be informed of best practice methodologies to be employed on site via the dissemination of a tool-box talk. This shall include the requirement for protection of aquatic habitats.
6. Works will be carried out during day-time hours, except in the event of an emergency.
7. Any chemical, fuel and oil stores will be located on an impervious base within a secured bund with a storage capacity 110% of the stored volume.
8. Biodegradable oils and fuels will only be used.
9. Drip trays will be placed underneath any standing machinery to prevent pollution by oil/fuel leaks. Where practicable, refuelling of vehicles and machinery will be carried out on an impermeable surface in one designated area well away from any watercourse or drainage (at least 20m).

10. Emergency spill kits will be available on site and staff will be trained in their use. A reporting system will be established on site to record accidents and/or spillages on site and the resultant action taken to remedy the incident.
11. Operators will check all equipment, machinery and vehicles on a daily basis before starting work to confirm the absence of leakages. Any leakages should be reported immediately and addressed.
12. Daily checks will be carried out and records kept on a weekly basis and any items that have been repaired/replaced/rejected noted and recorded. Any items of plant machinery found to be defective will be removed from site immediately or positioned in a place of safety until such time that it can be removed. All items of plant will be checked prior to use before each shift for signs of wear/damage.
13. From a flow test complete on site by the contractor, it was found that 2 no. 200mm pumps will be required to over-pump the stream sufficiently with 30% additional capacity accounted for. The flow test shall be re-checked prior to the commencement of site set-up. If it is found that the pump requirements differ from that of the original test, the contractor will provide all necessary pumps and equipment to ensure that the stream will be over-pumped sufficiently with 30% additional capacity.
14. A dry working area will be achieved by setting up a dam system. There shall be three dams in total; one upstream of the culvert and two downstream of the culvert. Each dam will consist of tightly packed sandbags that are filled with clean sand. The sandbags will be double lined and sealed. Only sealed sandbags will be used to create the dams. No clay or soil material is permitted to pack the crevices or small voids between the sandbags when creating the dams.
15. The integrity of the sandbag dams must be monitored to ensure that the works area is isolated from the live channel. This shall be monitored by the site manager twice daily; in the morning before the commencement of works and at the end of the day prior to leaving site.
16. Two silt fences shall be installed between the two sandbag dams situated downstream of the culvert. Any water pumped into this dammed area shall be in advance of the silt fences. Thus, all water pumped from the work area must pass through both silt fences before re-entering the river.
17. The pipe used to flume flows through the works area will be fitted with a filter to ensure no fish enter the pipe. The outfall of the pipe will be fitted with a silt sock. The silt sock shall be changed and/ or cleaned at regular intervals. The interval for replacing the silt sock will be dependent on the turbidity of the watercourse and therefore this shall be monitored by the site manager twice daily at a minimum; in the morning before the commencement of works and at the end of the day prior to leaving site.
18. The temporary working platform must be clean and free of any foreign debris before being installed on the existing riverbed gravels.
19. There can be no entry of debris and / or waste material from the works area to the live channel. The debris must be collected within the dry work area, removed from the work area and disposed of appropriately off site at a licensed waste facility.
20. Any water arising in the work area, as a result of seepage through the upstream dam, will be pumped from the working area into the area between the two downstream dams in advance of the silt fences. The pump will be located on the temporary working platform and fitted with a drip tray. All associated pipes will be fitted with a silt sock and/ or de-watering bag.
21. The lorry delivering the concrete and the concrete pump will be located on the road above the work area. The integrity of pump hoses must be checked prior to commencing works. Pump hoses will be located within the dry work area to ensure no spillage of concrete to the live channel.
22. At no point will any equipment be washed out within the work area or adjacent to a watercourse.
23. Sandbag dam no. 3 and the silt fences shall be left in place until any sediment plume has dissipated.
24. The gravel area on which the temporary working platform was located will be loosened, as it may have been compacted during the works. This area will be reinstated with washed and clean gravel.

25. All material used on site, including the sandbags, silt fences, silt socks, de-watering bags and components of the temporary working platform and geotextiles, will be removed from site and disposed of at a licensed waste facility.

It is confirmed that these mitigation measures are to be implemented in full. Furthermore, it can be confirmed that as part of the proposed works TII will appoint an ecological clerk-of-works (ECoW). The ECoW will be on-site during critical works periods (especially involving initial cleansing, placement of silt control measures, excavation, concrete pouring and use of chemicals), to ensure compliance with mitigation measures. Together with the appointed Contractor, the Contractor's ecologist and the resident engineer appointed by TII, they will also be available to liaise with IFI staff if required.

Point 1d – Biosecurity Protocols

“Specific detail and certainty underpins the NIS, the AA process, there should be no uncertainty surrounding the implementation of a mitigation measure in an NIS. With regard to Section 6.3.3 ‘Biosecurity protocols’, the Department recommends removing terms, for example, in Option no. 2, “If drying out of equipment is not feasible” and stipulating that option no. 1 is removed. Option no. 2 is recommended as a biosecurity mitigation measure.”

Response

It can be confirmed that Option 1 is removed and that the Contractor will be instructed to adhere to Option 2; i.e. equipment will be disinfected with an approved disinfectant, e.g. Virkon or an iodine-based product. It is important that the manufacturer's instructions are followed and if required, the correct contact times are allowed for during the disinfection process. Items that are difficult to soak should be sprayed or wiped down with disinfectant.

The following biosecurity measures will be adopted: -

1. All equipment intended to be used at the site shall be dry, clean and free from debris prior to being brought to site.
2. Prior to being brought on site, equipment should be : -
 - i. power steam washed at a suitably high temperature or at least 65 degrees, or
 - ii. disinfected with an approved disinfectant, e.g. Virkon or an iodine-based product. It is important that the manufacturer's instructions are followed and if required, the correct contact times are allowed for during the disinfection process. Items that are difficult to soak should be sprayed or wiped down with disinfectant.

Point 1e - Invasive Species

“The Department notes that pre-construction invasive species surveys will be conducted prior to the commencement of works. The Department would like to highlight that invasive species surveys should be carried out to inform the AA where their presence could affect the qualifying interests of a European site. Where invasive species are recorded, specific mitigation will be required and will be subject to any applicable licencing requirements under Regulation 49 of the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended).”

Response

Due to COVID-19 restrictions (refer to CIEEM, 2020) it was not possible at the time when the NIS was being prepared to visit the site and undertake an invasive species survey, which would have focused on species such as Japanese knotweed (*Fallopia japonica*), Himalayan balsam (*Impatiens glandulifera*), Giant hogweed (*Heracleum mantegazzianum*) etc. Desktop research, including records of invasive species held by TII, showed no invasive species records at Teesan Culvert. We were also able to review site photos taken by the engineers, which again showed no evidence of invasive species at the works location.

However, as the situation on the ground can change over time (i.e. between writing of the NIS and mobilisation of the Contractor), a pre-construction invasive species survey was recommended to be undertaken prior to the commencement of works. If none are recorded then there will be no post consent changes to the proposed works.

Should any invasive species be recorded close to but not within the works, they will be fenced off such that they will not be impacted by proposed works. Again, in this instance there will be no post consent changes to the proposed works.

If, however, an invasive species is located that impinges upon proposed works area, then the design of works may need to be revisited. In this instance the NIS would also be revisited allowing both TII, NPWS and IFI an opportunity to comment on such changes, and in the case of TII allow for the Determination to be revisited.

[CIEEM, March 2020. Advice Note on COVID-19 and undertaking field surveys].

Other matter

“The Department would like to highlight that Bat species (and Otter) are protected under the Wildlife Act, 1976, and are subject to a regime of strict protection pursuant to the requirements of the Habitats Directive (92/43/EEC) as transposed in Irish law in Regulation 51 of the European Communities (Birds and Natural Habitats) Regulations, 2011 (as amended).”

Response

The Department’s comments with respect to bats is noted. In addition to considering the potential for bridge repair works to impact upon European sites, consideration is also given to the risk of negative impacts to protected habitats and species; as well as the potential occurrence of invasive species. Notable amongst these considerations is to prevent negative impacts to bats arising from proposed repair works.

In the case of bats, each year bridges to be repaired are assessed for the potential to negatively impact upon bats. For example, all masonry bridges where masonry repair works are called up are assessed and where appropriate a bat specialist is procured to survey these structures to check whether they support roosting bats. The results will inform what works can be undertaken and whether e.g. a derogation licence application needs to be submitted to the Department. Copies of bat survey reports can be provided to the Department if deemed appropriate.

Yours sincerely,

Paul O’Donoghue
Associate Director / Ecologist



Appendix A
IFI Derogation Licence