

AA Determination Statement

Introduction

Pursuant to Regulation 42(11) of the European Communities (Birds and Natural Habitats) Regulation 2011 (As amended), The Office of Public Works, as a Public Authority, has conducted an Appropriate Assessment of the proposed de-silting works. The works are located within the overflow channel either side of the Adare bridge, located within the townland of Blackabbey, Adare, Co. Limerick. The purpose of the Determination Statement is to allow interested parties to assess the Public Authority determination. In accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended, the OPW has undertaken a Natura Impact Statement (NIS) to assess, in view of best scientific knowledge and the conservation objectives of the site, if the project, individually or in combination with other plans or projects is likely to have a significant effect on a European Site(s). In undertaking this determination, the OPW have had regard to:

- The Natura Impact Statement prepared on behalf of the OPW by MKO, and
- Impact assessment and mitigation contained therein.

The Plan or Project

The proposed works related to de-silting within the overflow channel either side of the Adare bridge are located within the townland of Blackabbey, Adare, Co. Limerick. The stretch of overflow channel at Adare Bridge subject to the proposed de-silting works are located along a short section of the River Maigue. The downstream section of the works area (to the west of the bridge) forms part of the Lower River Shannon SAC (002165). The works area upstream of the bridge are located outside the SAC boundary. The proposed works are in close proximity to the N21 Adare to Patrickswell road (Grid Reference: R 46881 46640). The project will be carried out by the OPW under the Arterial Drainage Act (1945).

The Natura Impact Statement identified a potential pathway for indirect impact in the form of surface water pollution, which may affect the following EU Designated Sites:

- Lower River Shannon SAC (002165)
- River Shannon and River Fergus Estuaries SPA (004077)

Avoidance and Reduction of Impacts

The NIS provides an assessment of all potential direct or indirect pathways for adverse effects on the QI/SCI habitats and species of Lower River Shannon SAC and River Shannon and River Fergus SPA. This determination has had regard to the OPW, 2011 “The Office of Public Works, Arterial Drainage Maintenance, Environmental Management Protocols & Standard Operating Procedures” (OPW, 2011). Standard Operating Procedures (SOPs) will be adhered to during the period of the maintenance works for the avoidance of impact on EU Designated Sites. These and other standard best practice measures are outlined in Section 5.3 of the NIS. This ensures that there will be no adverse residual impacts on the qualifying interests of the identified QIs/SCIs of the relevant EU designated sites.

Conclusion

The Office of Public Works (OPW) has determined, pursuant to Regulation 42(11) of the European Communities (Birds and Natural Habitats) Regulation 2011 (As amended) and following a review of the findings of the NIS, that the de-silting works within the overflow channel either side of the Adare bridge will not adversely affect the integrity of any European Site. The NIS concludes the following:

'This NIS has provided an assessment of all potential direct or indirect pathways for adverse effects on the QI/SCI habitats and species of Lower River Shannon SAC and River Shannon and River Fergus SPA.

All identified potential pathways for impact are robustly blocked through the use of avoidance, appropriate design and mitigation measures as set out within this report. The measures ensure that the construction and operation of the proposed works do not adversely affect the integrity of European sites.

Therefore, it can be objectively concluded that the proposed works, individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site'.