

# 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 enhancement works of 2.1km of existing earthen flood defence embankments along Douglas Strand, in Castlemaine Harbour. The proposed embankment enhancement works are located within the townland of Douglas, Killorglin, Co. Kerry.

The purpose of this Determination Statement is to allow interested parties to assess the competent 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 an adverse 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 flood defence embankments in question have been eroded and are in need of repair and strengthening. The proposed works will involve increasing the height of the existing clay embankments by topping them up to design height in order to maintain them in an effective condition. The stretch of embankment subject to the proposed embankment enhancement works abuts both Castlemaine Harbour SAC and Castlemaine Harbour SPA. 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:

- Castlemaine Harbour SAC, and
- Castlemaine Harbour SPA

## 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 Castlemaine Harbour SAC and Castlemaine Harbour 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), that the proposed maintenance and upgrade of the flood defence embankments 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 Castlemaine Harbour SAC and Castlemaine Harbour 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 does 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'.*