

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 vegetation maintenance works. The works are located within along parts of the River Deel between the town of Crossmolina and Lough Conn, Co. Mayo and are part of the Moy Arterial Drainage Scheme 2016-2020. 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). This NIS is an addendum to the Moy Arterial Drainage Scheme 2016-2020 five-year NIS. 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 OPW intends to maintain vegetation along the entire riverbank of this part of the River Deel as part of standard maintenance of the Moy Arterial Drainage Scheme 2016-2020. The majority of these works have been assessed under the five-year Natura Impact Statement (NIS) prepared for the scheme. The vegetation along the majority of the bank is a maintained treeline, with the last maintenance works completed circa 2015. The riparian treeline downstream of Knockadine Bridge has lacked recent maintenance and a number of large trees are leaning into or have fallen into the river. Although this area requires more maintenance this work is still assessed in the five-year NIS. A number of areas where woodland occurs would require access for machinery and the facilitation of access has the potential to lead to woodland loss. These areas are considered to be outside of the normal maintenance regime as additional tree felling would be required which was not assessed in the five-year NIS. Therefore a new NIS was prepared as an addendum to the Moy Arterial Drainage Scheme 2016-2020 five-year NIS.

Within the proposed works area some trees have fallen into the river, mature trees are leaning towards the river and the lower branches of trees are impeding water flow, by gathering floating debris. The maintenance works on the River Deel aim to remove fallen trees that may impede flow and to prune any low hanging branches to improve conveyance. The works will be undertaken using a hydraulic shears on a long-reach machine. This maintenance work falls into three different categories depending on the level of tree cover adjacent to the river;

- 1) Bankside vegetation consists of a treeline and maintenance works can be conducted behind the treeline with unimpeded access available through agricultural fields.
- 2) Woodland occurs adjacent to the river but there is an existing access track present from past OPW maintenance works.
- 3) Woodland occurs adjacent to the river but no access currently exists for maintenance machinery to operate adjacent to the river.

Category 1 areas were considered to be normal maintenance and already assessed as part of the OPW's 5-year Natura Impact Statement (NIS) for the area. Category 2 and 3 areas were assessed separately as part of the current NIS and the NIS identified a potential pathway for direct impact in the form of habitat loss, which may affect the following EU Designated Sites:

- River Moy (002298)

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 River Moy SAC. This determination has had regard to the Brew and Gilligan, 2019 "Environmental Guidance: Drainage Maintenance & Construction. Series of Ecological Assessments on Arterial Drainage Maintenance No. 13. OPW" (OPW, 2019). 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 2.2.4 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 vegetation maintenance works on the River Deel between Crossmolina and Lough Conn 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 River Moy SAC. The standard OPW vegetation maintenance works have been assessed in the five-year NIS and Category 1 as described in Section 2.2.1 of this report. Areas classed as Category 2 and 3 in Section 2.2.1 require maintenance access through or adjacent to woodland and are therefore not assessed in the five-year NIS. These areas have the potential to directly impact the SAC and have been assessed in this report which forms an addendum to the five-year NIS. The conclusion of the five-year NIS has been considered in light of the new Site-specific Conservation Objectives for the River Moy SAC (NPWS 2016). The consideration of the new COs does not change the conclusions of the five-year NIS, to which this report is appended.

All identified potential pathways for impact are robustly blocked through the use of avoidance, appropriate design and mitigation/avoidance measures as set out within this report. The measures ensure that the proposed tree removal 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..