

Marine Advisor's Environmental Assessment and Determinations Report

Hi [REDACTED]

I reviewed the application and all the environmental documents associated with the Foreshore Application FS006795 for public realm improvements and flood alleviation measures along Father Mathew Quay and Morrison's Quay, Cork City.

My final environmental assessment of this project is as follows:

Environmental Impact Assessment (EIA) Regulations: The proposed project does not fall within the classes defined under Annex I or Annex II of the EIA Directive. I refer you to my Environmental Report with Statutory Declarations Report of the 26th of August 2022 which contains the **Examination for EIA**. This examination is required to be carried out by the Consent Authority (DHLGH) as part of their obligations under the EIA Directive.

Article 6(3) of Directive (92/43/EEC) (as amended) (Habitats Directive): I refer you to my Environmental Report with Statutory Declarations Report of the 26th of August 2022 where, as the Department's Environment Marine Advisor, I agreed with and accepted the IEC's conclusion that the risk of likely significant effects on European sites as a result of the proposed project, either individually or in combination with other plans or projects, could not be excluded. Therefore a stage 2 Appropriate Assessment was required.

The IEC completed an Appropriate Assessment and identified the mitigation measures required to ensure that the proposed project, either individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site. I agree with and accept the IEC's Appropriate Assessment Report and its recommendations. My Appropriate Assessment Conclusion Statement which is part of the Department's Statutory Obligations is attached.

Article 12 of Directive (92/43/EEC) (as amended) (Habitats Directive): Risk Assessment for Annex IV species was carried out by the IEC. Due to the location of this project all bat species, European Otter, Common Dolphin, Harbour Porpoise and Bottlenose Dolphin were considered the Annex IV species of relevance here. Surveys for these species are to be carried out prior to commencement of the works. If required a derogation licence will be applied for and granted prior to the commencement of works. With the implementation of these measures Annex IV species will be disturbed, injured or killed as a result of the proposed activity.

Conclusion/recommendations:

Having considered the information submitted in support of the application, I have no objection to the granting of this application subject to the following condition:

1. A Project Ecologist to be appointed for the duration of the works.
2. The footprint of works will be identified at the onset and will be demarcated to avoid unnecessary disturbance outside the works area. Method Statements detailing the construction footprint and access routes to the proposed works will be approved prior to construction.
3. A minimum of one week's notice will be sent to NPWS and IFI of the commencement of the works
4. Pre-construction surveys for bird, bat and otter will be undertaken as close as practicable to commencement of activities on site. The need for any derogation

licence(s) under Section 54 of the Habitats Regulations shall be established on the basis of these pre-construction surveys.

5. Pre-construction surveys to identify the potential presence of aquatic mammals (including Common and Bottlenose Dolphins, Harbour Porpoise and Common Harbour and Grey seals) will be undertaken by a suitably qualified ecologist over the course of one month prior to the commencement of construction works. In total eight surveys shall be carried out. The half hour vantage point surveys shall be carried out either side of low water in daylight hours to establish if any aquatic mammals are using the river corridor. A report will be prepared which will inform the development of the construction method statements including the piling method statement. If the pre-construction surveys demonstrate that aquatic mammals are frequently using this stretch of the River Lee then further mitigation around the method of working will be reviewed in consultation with NPWS and IFI.
6. For the piling driving the following mitigation to be implemented as a minimum:
 - The piling method statement will be developed with regard to the preconstruction survey report and appropriate guidance including “Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters” (DAHG, 2014)
 - A pre-start monitoring brief will be established for piling activities, to be carried out by suitably qualified staff. A monitored zone will be established with predefined distances upstream and downstream of the works (the appropriate distances will be informed by the preconstruction surveys). Piling work will not commence if any aquatic mammals are observed in the monitored zone during the pre-start monitoring
 - A soft start-up process (increasing power to full strength over a 30 minute period) for piling will be used. This will allow aquatic mobile receptors ample time to move out of the construction area to areas of refuge, thus preventing any impacts from the noise and vibration generated by the piling
 - Further education in the potential impacts from piling noise and vibration in the water column will be achieved by only allowing piling works to be undertaken at times when the water level is below mean tide level;
 - Weather warning procedures will be part of the piling method statements and piling will not take place during periods of high tides or forecasted high water levels either from the sea or by the release of water from the dams by the ESB;
 - All instream works will be carried out in consultation with IFI. Agreement with IFI will be sought for the mitigation of piling noise; and
 - During the construction phase, fish and mammal passage will be maintained in areas of in-channel working.
7. Guidelines on Protection of Fisheries during Construction Works in and adjacent to waters (IFI, 2016) to be strictly adhered to.
8. The Contractor will provide Toolbox talks for all construction staff regarding the importance of best practice and the protection and sensitive nature of the River Lee.
9. Construction Pollution Control Plan and Dust Minimisation Plan as provided in the Further Information submitted to An Bord Pleanála 11 July 2019, relating to the Natura Impact Statement.
10. Bed features removed for construction within the river will be re-instated after works as requested in the submission from Inland Fisheries Ireland.