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 statutory arterial drainage maintenance activities for 2020 - 2024 on the Duff Arterial Drainage Maintenance Scheme. The works as part of the Duff Arterial Drainage Maintenance Scheme are required as part of maintenance activities under the 1945 Arterial Drainage Act, and include a number of the Duff's tributaries in Counties Sligo and Leitrim. 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 Ryan Hanley, and
- Impact assessment and mitigation contained therein.

The Plan or Project

The Office of Public Works (OPW) Five Year Arterial Drainage Maintenance Programme (2020 to 2024) for the Duff Arterial Drainage Scheme is a project with the objective of maintaining the arterial drainage scheme. The project covers an area of channels in Counties Sligo and Leitrim. The project is to be carried out over five years (2020 to 2024). The project will be carried out by the OPW under the Arterial Drainage Act (1945). This project is part of a staggered and rolling programme of five-year maintenance plans for all Arterial Drainage Schemes across Ireland.

The Duff Arterial Drainage Scheme is located on the border of Counties Sligo and Leitrim. It includes 53.2km of watercourse. Within the Duff Arterial Drainage Scheme the exact location and type of required maintenance activity varies over time. A detailed description of the project is included in the Natura Impact Statement. The project entails silt and vegetation management, bush cutting/branch trimming and tree cutting along channels. These will be carried out using suitable machinery.

The NIS does not include assessment for the removal, demolition, replacement or erection of bridges, sluices or structures.

Occasionally, works are required that can be considered outside of the scope of the normal Arterial Drainage Maintenance Works to maintain a scheme. Works considered outside of the normal scope of statutory arterial drainage maintenance works have are not assessed for impacts in the NIS report.

Works that could be considered outside of the normal scope of works include those involving extensive bank protection measures, removal of mature woodland, unplanned bridge works or any other unplanned works within the zone of influence of a Natura 2000 site.

Screening Assessment

An Appropriate Assessment screening assessment, addressing Stage 1 of the AA process, has already been completed for the Duff Arterial Drainage Scheme (JBA consulting, 2014). This identified that likely
significant effects on Natura 2000 sites may occur as a result of the proposed maintenance activities and therefore a Stage 2 Appropriate Assessment is necessary.

The Stage 1 Screening Assessment was conducted in line with guidance produced for the OPW in 2014 (Ryan Hanley 2014b, 2014a). This methodology is based on source > pathway > receptor chain principles and involves assessing likely significant effects on Natura 2000 sites within the zone of influence of the proposed drainage maintenance in relation to three pathways:

1. Surface water
2. Land & air
3. Groundwater

Sites that had the potential to be impacted by the maintenance works were determined to be within the zone of influence (ZOI) and these sites require further assessment. This included the Natura 2000 sites in Table 3-1.

Table 3-1: Natura 2000 sites potentially impacted by the drainage maintenance works

<table>
<thead>
<tr>
<th>Site Description</th>
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<tbody>
<tr>
<td>Arroo Mountain SAC (001403)</td>
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<tr>
<td>Ben Bulben, Gleniff And Glenade Complex SAC (000623)</td>
</tr>
<tr>
<td>Bunduff Lough And Machair / Trawalua / Mullaghmore SAC (000625)</td>
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Since the screening was carried out in 2014 there have been changes to the qualifying interests of some Natura 2000 sites. The screening assessment has been updated to reflect this. The conclusions of the assessment are based on the assumption that all drainage maintenance activities are to be undertaken on all watercourses and structures during the plan timeframe (2020-2024).

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 the Natura 2000 sites within the zone of influence of the proposed drainage maintenance. This determination has had regard specific measures to avoid and reduce potential impacts documented in the NIS report mitigation measures section and the OPW Environmental Procedures (EPs) being adhered to during the period of maintenance works. Avoidance and mitigation measures are based upon the best current practice. Maintenance staff are trained in the implementation of the EPs and specific mitigation measures. An audit process is followed to ensure compliance. 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 statutory arterial drainage maintenance activities for 2020 - 2024 on the Duff Arterial Drainage Maintenance Scheme will not adversely affect the integrity of any European Site. The NIS concludes the following:

This NIS provides information for the Competent Authorities to conduct an Appropriate Assessment for the proposed Arterial Drainage Maintenance works for the Duff Arterial Drainage Scheme on the border of Counties Sligo and Leitrim. A previous AA screening exercise on this scheme by JBA in 2014, found that this scheme had the potential to negatively impact upon the following Natura 2000 sites:

- Arroo Mountain SAC (001403)
The screening was conducted following the methodology outlined in Ryan Hanley (2014b), which examines three source > pathway > receptor chains: surface water, land and air, and groundwater pathways.

The conclusion of this report outlines that there will be no impact on Natura 2000 sites when appropriate mitigation measures are implemented during arterial drainage maintenance activities as outlined in this report. The following points are recorded to ensure the basis of the assessment is clear:

- This NIS has investigated the potential direct and indirect impacts of the proposed works upon the Natura 2000 site, assessed the potential impacts for significance alone and in combination with other plans and projects. This process took into consideration the nature of the proposed works and the structure, function and conservation objectives of the relevant Natura 2000 site.

- Where significant adverse impacts were determined to potentially occur as a result of the works, a number of appropriate mitigation measures to be implemented during the scheme were provided in order to prevent any significant adverse impacts as a result of the scheme. The conclusion of this report is based on the implementation of these appropriate mitigation measures during the works, staff will be made aware of the sensitive ecological features that may be present on site and will be competent to identify the presence of these features. Mitigation measures and EPs will be followed as required in such circumstances.

As a result of this NIS it can be concluded, that provided the avoidance and mitigation measures in this report are implemented during the proposed drainage maintenance works on the Duff Arterial Drainage Scheme, they will not have significant adverse impacts upon the qualifying interests of the Natura 2000 sites, nor will they negatively impact upon the overall integrity of the Natura 2000 sites.