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15 February 2012

Dear Bernard

332936-10 Santry to Eastwall Pipeline Project
Foreshore Licence Application for the Trenchless Crossing of the Tolka River
Your Ref. MS51/4/546 Response to Consultee Observations

The following are our responses to the observations made by consultees.

Department of Agriculture, Food and the Marine

Observation No. 1

"This application relates to the proposal to cross the River Tolka with a gas main using pipe jacking methods. The method proposed is not unusual but involves the construction of 2 large pits, one on each bank, in order to provide working room to jack the pipeline's sleeve under the river bed. As these pits will be adjacent to the tidal river it is very likely that dewatering will be needed to keep the areas dry to work in. Thus floodwater will need to be pumped, settled and finally discharged to probably the adjacent river. Section 2, Page 4 of Foreshore Application Document indicates that a small submersible pump would be used to keep each pit dry

It would be important in order to protect whatever fishery there is present that the environmental impacts of such dewatering are addressed."

Response

We confirm that all water pumped from the reception and thrust pits and any other pipeline trenches will be pumped to a suitable sized settlement tank. Once the suspended solids have settled and with consent of Dublin City Council the water will be pumped into the local drainage system.

Directors Eoghan Lynch (Chairman) Jerry Mehigan Joe Burns Gerald Bythell Sean Clarke Tim Corcoran Paul Coughlan Denis Crowley Matt Cunningham Phelim Devine Philip Dilley (British) Paul Dunne Mike Evans Peter Flynn Liam Luddy Ria Lyden Sean Mason Donal McDaid Declan Monaghan Fergus Monaghan Seamus Mulherin John O'Mahony Niamh O'Sullivan **Associate Directors** Peter Adams Tom Blake Paul Brady Ger Breen John Burgess Senan Clandillon Michael Daly James Duggan Alan J Duggan John Flaherty Ken Freeman Hugh Gray Hugh Griffin Clem Hussey Conor Lavery Tony Lynch Eileen McCarthy Robert McGrath John Mundy Andrew Nixon Joanna O'Brien Gavin O'Donnell Hugh O'Dwyer John O'Sullivan David O'Keeffe John Reale Barry Ryan Joe Ryan Grainne Wolfe **Company Secretary** Ken Freeman

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Observation No. 2

“DAFF recommends the matter be referred to the SFPA and Inland Fisheries Ireland for relevant comment. We note that the river is a salmonid river and the views of the IFI would be important. It would be appropriate for the applicant to ensure that this action is mentioned in the proposed pollution control and waste management plans indicated at section 6.2.3. It is further suggested that these plans are forwarded to the DECLG prior to commencement of works on site for inspection.”

Response

We confirm that the above mentioned mitigation measures will be included in the construction pollution control and waste management plans and that these will be forwarded to the DECLG in advance of the works.

DECLG**Observations No. 1 to 10**

- “1 (i) A Construction Method Statement for all Construction operations on the foreshore (including trenchless crossing, launch and reception pit construction) shall be submitted to DOECLG prior to the commencement of any works on the foreshore.*
- (ii) Works on the foreshore shall be certified by a Chartered Engineer stating that they conform to the relevant Irish or British Standard Specification or Codes of Practice for strength, stability and durability and that the said works have been completed in accordance with the Plans and Drawings approved by the Minister.*
- 2 (i) Mitigation Measures as set out in Section 3.2 of the Environmental Report dated 9/11/11 shall be adopted unless otherwise varied or directed by Dublin City Council*
Mitigation Measures as set out at 3.4,4.4,5.2 6.3.8 of the Environmental Report dated 9/11/11 shall be adopted unless otherwise varied by other conditions in this licence or as specifically directed by NPWS (Dept of Arts, Heritage and the Gaelteacht) and/or IFI.
- 3 (i) Waste excavated material removed during the crossing operation shall not be stockpiled on the foreshore or areas adjacent to the foreshore but shall be disposed of in accordance with the appropriate Waste Disposal Legislation subject to the requirements of Dublin City Co.*
- (ii) All wastes generated on the site shall be handled in accordance with the appropriate Waste Management legislation and the Waste Management Plan for the Dublin City Region , or as otherwise directed by Dublin City Co.*
- 4. Noise and Traffic Control Procedures shall be adopted in accordance with the requirements of Dublin City Co.*

5. *Any damage caused to the foreshore during the works shall be made good on completion of the works to the satisfaction of the Minister. The areas adjacent to the foreshore inclusive of 'launch' and 'receptor' pit areas shall be reinstated to pre works conditions on completion of the works in accordance with the requirements of Dublin City Council.*
6. *Appropriate methods of operation shall be adopted in order to ensure that no spillages of fuels, hydrocarbon, cement or other leakages to the Tolka River occur during the construction phase. Contractor's arrangements for the control of pollutants should be notified to DOECLG and IFI prior to any works commencing on or adjacent to the foreshore.*
7. *The Applicant shall adhere to the requirements of NPWS and UAU (within Department of Arts Heritage and the Gaelteacht) in terms of both Nature Conservation and Underwater Archaeology and conform to any directions/recommendations that they may make in this regard.*
8. *During the Construction Phase the site shall be secured during the works from unauthorised public access or encroachment by means of suitable barriers and signage and the Applicant shall comply with all relevant Health and Safety legislation.*
9. *The Licensee shall at all times during the continuation of this licence keep the pipe crossing in a good and proper state of repair and condition to the satisfaction of DOECLG and endure that it is not injurious to navigation, the adjacent lands/properties or the public interest.*
10. *The Applicant shall notify DOECLG at least 14 days in advance of the commencement of works on the foreshore."*

Response

Item 1 to 10 – we confirm that all requirements will be complied with.

Inland Fisheries

Observations

"The proposed method/works statement clearly does not impact directly on the physical habitat of the river at the crossing point. This, no direct impact to fish would occur. The works process is likely to generate noise and much of this will be transmitted through the river bed to the water column. The noise generated may cause an avoidance reaction in fish and may impede migration of any migratory species using the Tolka. These species will include salmon, sea trout, eel, and river lamprey. However, any disturbance will be temporary in nature and can be mitigated for. Mitigations for noise impact should include:

- *Slow start /soft start in noise generation on daily basis*
- *Focus of boring process in periods of daylight hours when low tide is prevalent - channel is largely dried out at low tide and thus no migration or passage of fish would be expected*

- *Boring to take place during normal working hours - in context of human population and of no noise periods for migratory fish*
- *Boring operation to seek optimal environmental window, in regard to minimising any potential impact on migratory fish. This to be agreed with IFI Blackrock prior to commencement of the works process*

Other licence conditions in regard to the construction process are listed by IF Blackrock below and I concur with these.

*The Tolka River and its tributaries constitute a salmonid system. The system supports Atlantic Salmon (*Salmo salar*) (listed in Annex II and V of the Habitats Directive), Sea trout (*Salmo trutta*) Eels (*Anguilla anguilla*), Lamprey, (species unspecified) and Brown trout throughout.*

Directional drilling of the River Tolka near John Mc Cormack Bridge East Wall as outlined should not involve any instream works and therefore should not impact on fish movement or habitat.

Our requirements relate to the need for Best Practice in all aspects of construction, and reinstatement of the river bank as soon as practical, in a manner that will minimise the potential for erosion.

All construction should be in accordance with an Construction Management Plan which ensures that good construction practices are adopted throughout the construction period and contains mitigation measures to deal with potential adverse impacts identified in advance of the scheme.

Pipe laying activity poses a high risk of suspended solid contamination of surface waters, if pumping is required from excavations such as thrust and reception pits or land trenches along the route then water must be treated by either infiltration over land, discharge to a Local Authority sewer or to a suitably sized and sited settlement pond before discharge to any watercourse. There can be no direct pumping of contaminated water from the works to a watercourse at any time.

Storage of any excavated soil from the construction activities should be sited well away from any watercourse and any drainage should be treated as above.

Pre-cast concrete should be used where possible otherwise all cast –in- place concrete should be completed in the dry, all wash down water from exposed aggregate surfaces, and all cementous drainage must be contained on site and reach neutral pH before clarified water is discharge to a surface water system.

Fuels, lubricants and hydrocarbons generally, must be carefully handled to avoid spillage and must be stored in bunded areas well away from watercourses.

Because the methodology does not require any instream works seasonal constraints will not apply.

IFI Blackrock would require a copy of The Method Statement for the trenchless crossing, the commencement date and a contact mobile number for the person –in –charge.”

Response

We confirm that all requirements will be complied with.

Marine Institute**Observations**

“Give the nature, scale, location and duration of the proposed works The Marine Institute is satisfied that they will not result in a significant impact on the marine environment or on other legitimate uses / users of the area and has no objections to a lease / licence being issued. The Marine Institute recommends that the full implementation of the mitigation measure set out in the Environmental Appraisal report submitted with the application should be a condition of any lease/ licence that may issue.”

Response

We confirm that all mitigation measures set out in the Environmental Appraisal Report, submitted with the Application, will be implemented.

Marine Survey Office**Observations**

“Due to the absence of navigational / marine activity in the proposed area as described in the application the M.S.O. has no objection to the development.”

Response

No comment.

Sea Fisheries Protection Authority**Observations**

“With reference to the recent foreshore licence application by An Bord Gais, Tolka River Crossing I can confirm that the SFPA has no observations to make regarding this application as it is not located in a marine fisheries area, designated shellfish area or is known to be an area where shellfish is collected.”

Response

No comment.

Underwater Archaeology Unit

Observations

“The archaeological assessment component of the Environmental Report has failed to adequately assess the archaeological potential of the proposed development site. The East Wall area and its environs are located on large tracts of reclaimed land that previously formed the entrance and harbour to Dublin City and Port. Areas of reclaimed land have the potential to retain buried shipwrecks, which may have been wrecked on earlier sandbanks and shorelines prior to reclamation works proceeding in the 18th Century. Reclaimed land may also have covered over earlier shoreline structures such as quays and jetties. Wrecks over 100 years old and underwater archaeological objects are subject to statutory protection under Section 3 of the 1987 National Monuments Act. The Shipwreck Inventory for Dublin lists a large number of shipwrecks for this area of the River Liffey, Dublin Port and the harbour area, which occurred prior to it being reclaimed. These wrecks may lie buried within the proposed development site. It is therefore recommended that the archaeological assessment report should be resubmitted to this office including an assessment of the potential impact of the proposed development on the shipwreck heritage and underwater cultural heritage recorded for this area. It is also recommended that Archaeological Monitoring as described below be carried out on all proposed sub surface works. It should be borne in mind, that if significant archaeological remains are found, further archaeological mitigation may be required.

Archaeological Monitoring shall consist of the following

- *In order to ensure the preservation of potential archaeological sites, wrecks and features the applicant is required to engage the services of a suitably qualified archaeologist to monitor all in water disturbance works associated with the development. It is recommended that the archaeologist be licensed under the National Monuments Acts 1930-2004.*
- *A detailed method statement shall accompany the licence application and shall include details on the proposed works, duration of works; archaeological monitoring team proposed and a find's retrieval strategy.*
- *Should archaeological material be found during the course of monitoring, the archaeologist may have work on in that area suspended, pending a decision as to how best to deal with the archaeology. The developer shall be advised by the Department of Arts, Heritage and the Gaeltacht with regard to any necessary mitigating action (e.g. preservation in situ or excavation). The applicant shall facilitate the archaeologist in recording any material found.*
- *The Department of Arts, Heritage and the Gaeltacht shall be furnished with a report describing the results of the monitoring.”*

Response

Please find attached the addendum to the Archaeological Report.

We confirm that a Suitability Qualified, Licensed Archaeologist will monitor the works. We also confirm that a Method Statement will accompany the Licence Application.

We accept that during the course of monitoring, if archaeological material is found, then the works may be suspended, pending a decision as to how best to deal with the archaeology.

We note that there is an agreement in place between Bord Gáis and the Department, namely '*Code of Practice between Bord Gáis Éireann and the Minister for Arts, Heritage, Gaeltacht and the Islands*'. Bord Gáis will ensure that this Code of Practice is implemented on the project.

We confirm that a report will be issued to the Department of Arts, Heritage and the Gaeltacht and the Islands on completion of the works.

If you have any queries, please do not hesitate to contact me.

Yours sincerely
for
Arup

Paul Brady