



OPW Oifig na
nOibreacha Poiblí
Office of Public Works



ATHEA FLOOD RELIEF SCHEME

Gravel Removal

Works at Athea Bridge



Response to An Bord Pleanála submission for Further
Information Ref. ABP-310301-21

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1. INTRODUCTION

This report sets out a response to the request for further information from An Bord Pleanála. The further information refers to an application for Planning Permission for Gravel Removal at Athea Bridge. The proposal includes the removal of approximately 240m³ of silt, sand and gravel deposits, as well as vegetation, from the River Galey to 300mm above summer-low water levels in the vicinity of Athea Bridge.

2. INDEX OF RESPONSES TO REQUEST FOR FURTHER INFORMATION

	An Bord Pleanála Request for Further Information	Response
1	<p>Information to Address Section 177AE(6)(a) & (b)</p> <p>Section 177AE of the Planning and Development Act 2000, as amended requires at subsection (6) that the Board in their consideration of the application for approval, take the following into account:</p> <p>a) The likely effects on the environment, b) The likely consequences for the proper planning and sustainable development of the area, and c) The likely significant effects of the proposed development on any European sites.</p> <p>While parts of (a) & (c) are addressed separately in the next sections and while some matters are addressed in Section 3 of the report the application documentation submitted to the Board fails to satisfactorily address parts (a) & (b) above and you are requested to provide information to facilitate the Board in its consideration of this requirement of the approval application.</p>	<p>a) Addressed as part of the updated NIS and further below in this response</p> <p>b) The proposed gravel removal works at Athea are proposed to reduce flood risk in Athea Village associated with risk of blockage at Athea Bridge.</p> <p>The proposed development is supported by the Policies and Objectives of the County Development Plan as follows:</p> <ul style="list-style-type: none"> • Policy IN P11: Management of Water Resource • Objective IN O36: Minimise threat and consequences of flooding • Objective EH O19: River Basin Management Plans <p>The Policies and Objectives are further discussed in Section 3</p> <p>c) Addressed as part of the updated NIS and further below in this response</p>
2	<p>Drawings</p> <p>Please provide the following drawings at an appropriate scale:</p> <ul style="list-style-type: none"> • Site location plan • Scaled site layout plans • Plans, elevations and sections as appropriate of the bridge and its arches 	<p>The drawings requested can be found in Appendix B</p>
3	<p>Natura Impact Statement</p>	<p>An updated NIS can be found in Appendix C</p>
3i	<p>Methodology for Water Quality Monitoring</p> <p>Observations received by the Board from An Taisce on the 1st July, 2021 consider that in relation to water quality monitoring, the visual inspection of the river proposed to detect if there</p>	<p>Updates to Section 11.1 (General Mitigation) and 11.5 (Water Quality Monitoring) address this.</p> <p>Described in Section 11.1 a suitably qualified Ecological Clerk of Works (ECoW) will be</p>

	An Bord Pleanála Request for Further Information	Response
	<p>is any decrease in water quality cannot provide that level of certainty required to ensure that the mitigation measures proposed would prevent any adverse impact on the Special Area of Conservation. You are requested to address this matter and respond accordingly.</p>	<p>responsible for monitoring water quality during the duration of the works. Alarmed Sondes are a standard scientific method to monitor turbidity and pollutants in river waterbodies. Details are outlined in Section 11.5 of the NIS and further information is provided in Section 4.1 of this report.</p>
3ii	<p>Screening out of Qualifying Interests in the Lower River Shannon Special Area of Conservation</p> <p>Table 6-2 in the screening for appropriate assessment (Section 6) of the Natura impact statement screens out a number of qualifying interests in the Lower River Shannon Special Area of Conservation at screening stage as follows:</p> <ul style="list-style-type: none"> • Sandbanks which are slightly covered by sea water all the time [1110], • Estuaries [1130], • Mudflats and Sandflats not covered by seawater at low tide [1140], • Coastal lagoons [1150], • Large shallow inlets and bays [1160], • Reefs [1170], • Perennial vegetation of stony banks [1220], • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230], • Salicornia and other annuals colonising mud and sand [1310], • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330], • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410], • <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029], and • <i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349]. <p>Therefore, only some of the sites qualifying interests are brought forward for consideration at appropriate assessment (stage 2). While the rationale for screening out each of the qualifying interests is provided, please provide reference to guidance/best practice material which supports screening out individual qualifying interests from sites being brought forward for appropriate assessment.</p>	<p>Document updated to include latest best practise guidance including Office of Public Regulator (2021) and EC guidance document, (2021)</p> <p>Section 6.1 of NIS document updated to inform individual qualifying interests screened out due to size and scale of works and no Source » Pathway » Receptor predicted. The proposed works would not undermine the Conservation Objectives of the site and give rise to Likely Significant Effects.</p> <p>European sites outside 15km buffer were also assessed and context is given why they were screened out.</p> <p>Further information is provided in Section 4.2 of this report.</p>
3iii	<p>Application of Correct Tests/Correct Terminology</p>	<p>This rationale is provided Section 9 (Assessment of the affects) of the NIS.</p>

	An Bord Pleanála Request for Further Information	Response
	<p>The Natura impact statement must address the correct appropriate assessment test, the conclusion of which should enable the Board to ascertain whether the projects would adversely affect the integrity of the site concerned having regard to the site's conservation objectives. Sections 9.1.1 – 9.1.8 and Section 10 of the Natura impact statement consider whether the project could cause 'potential impacts' or 'cumulative impacts' on the qualifying interests/special conservation interests of the Lower River Shannon Special Area of Conservation and Stack's to Mullaghareirk Mountains Special Protection Area. In relation to appropriate assessment, Article 6(3) of the Directive requires that the assessment undertaken addresses if the project will 'adversely affect' the integrity of the European Sites in view of the sites conservation objectives.</p> <p>Furthermore, the concluding paragraph of the Natura impact statement states that the proposal 'will not give rise to significant negative effects' on the qualifying features of the Natura 2000 site(s), alone or in-combination with other plans/projects. This is the test for stage 1 screening for appropriate assessment and not stage 2 which, as outlined above, refers to 'adverse affects' on the integrity of the European Sites in view of the sites conservation objectives.</p> <p>You are also advised that Section 10 of the Natura impact statement refers to cumulative impacts when Article 6(3) of the Habitats Directive refers to projects – 'in-combination with other plans or projects'.</p> <p>You are requested to provide an amended Natura impact statement to reflect the amendments requested in sections 3.1 - 3.3 above.</p>	<p>Text throughout report has been reviewed and updated to reflect Article 6 (3).</p> <p>Text in concluding paragraph (Section 12) edited to 'adverse affects'.</p> <p>Cumulative impacts replaced with in-combination. Further information is provided in Section 4.3 of this report.</p>
4	<p>You are invited to respond the other submissions previously circulated to you on the 8th July, 2021 which were received by the Board.</p>	<p>Further information is provided in Section 5 of this report in response to submissions from the following:</p> <ul style="list-style-type: none"> • An Taisce • Development Applications Unit (DAU) • Geological Survey Ireland (GSI)

3. PLANNING AND SUSTAINABLE DEVELOPMENT

From Limerick County Development Plan 2010-2016 (as extended)

Policy IN P11: Management of Water Resource

It is the policy of the Council to seek to ensure water resources and services are managed and planned, in association with other policies and objectives in this plan, to meet the following goals:

- a) To protect human health and the environment
- b) To facilitate the provision of proper water services for domestic and non-domestic requirements
- c) To support proper planning and sustainable development, including sustainable use of water resources.
- d) To ensure the danger of flooding risk is averted as far as possible and where flooding is inevitable its consequences minimised

Objective IN O36: Minimise threat and consequences of flooding

It is the objective of the Council to avert, or where this is not possible, to minimise the threat of flooding in new developments and existing built up areas. Priority will be given to the protection of vulnerable uses that would be seriously affected by the consequences of flood events. The Council will have regard to Government Guidelines, 'The Planning System and Flood Risk Management' and OPW data and advice in the assessment of all development proposals and any subsequent amendments.

Objective EH O19: River Basin Management Plans

It is the objective of the Council to implement the programmes of measures developed by the River Basin District Projects under the Water Framework Directive in relation to:

- a) Surface and groundwater interaction
- b) Dangerous substances
- c) Hydro-morphology
- d) Forestry
- e) On site wastewater treatment systems
- f) Municipal and industrial discharges
- g) Urban pressures
- h) Abstractions

4. NATURA IMPACT STATEMENT (NIS)

4.1 Methodology for Water Quality Monitoring

Further to the DAU submission gratefully received on 08/07/21, LCCC sought the advice of our Environmental Consultant's Ecologist (Ryan Hanley). Please see below additional information on the qualifications and experience of the proposed Ecological Clerk of Works (ECoW), along with the proposed standard scientific methodology for assessing siltation (alarmed sondes) in the vicinity of the works area.

The ECoW will be responsible for monitoring water quality on the River Galey throughout the works duration for removal of gravels. The ECoW shall be suitably qualified, competent and experienced. Minimum qualifications/experience for the ECoW is set out below:

- University degree in Environmental Science, i.e. B.Sc. (NFQ Level 8) awarded by NUI or its equivalent;

- Minimum of 5 years' post-graduate experience in ecological assessment, appraisal techniques and mitigation monitoring.

An additional mitigation measure to monitor the suspension and transfer of sediment and pollutants downstream will be implemented using a standard scientific methodology, given the sensitivity of the SAC site, as follows:

- Alarmed sondes will be employed to measure turbidity in the River Galey upstream and downstream of the works area during gravel removal works. These will continuously measure turbidity for a suitable time ahead of the works to gather baseline data from the River Galey. They will continuously measure turbidity throughout the gravel removal works period. If there is a 20% or greater difference between upstream and downstream turbidity, works will be ceased until the cause of the difference is identified and rectified (if caused by the gravel removal works). If necessary, water sampling and monitoring of the River Galey can also be completed to test for Total Suspended Solids (TSS) and hydrocarbon concentrations. The ECoW will be responsible for all water quality monitoring during the gravel removal works. The most appropriate locations for the proposed turbidity monitors will be determined by the ECoW on site. With mitigation in place, as described here and in the NIS report, there will be no adverse effects on the integrity of the Lower River Shannon SAC in view of the site's conservation objectives. This proposed robust methodology will ensure that the gravel removal works will avoid impact on the environment/ SAC beyond all reasonable scientific doubt.

With the above-mentioned additional mitigation measure and mitigation measures included in the NIS in place, the residual impact on water quality resulting from the generation of silt-laden run-off, increase of suspended solids and use of potential water pollutants during the gravel removal works is anticipated to be short-term and negligible, due to the works being undertaken above the low-water level in the River Galey (i.e. minimisation of in-stream works) and due to the short duration of the works

4.2 Rationale for Screening out Qualifying Interests of European Sites

Further to request on rationale for Screening out Qualifying Interests of the Lower River Shannon SAC, the NIS has been updated accordingly. Each of the Qualifying Interests were screened in view of the conservation objectives of the Lower River Shannon SAC using a Source » Pathway » Receptor model. Given the nature and scale of the works no likely significant effects in view of the site's conservation objectives was determined, thus not taken forward to Stage 2 Appropriate Assessment.

Additionally European sites outside the 15km buffer from the proposed works area were identified and screened for Appropriate Assessment. Hydrological pathways via the Rivers Galey and Feale respectively to Qualifying Interests were identified and evaluated. No pathway for significant effect was identified given the location and scale of the proposed works and the distance between the proposed works and the European sites.

4.3 Application of Correct tests / Correct Terminology

Section 9 of the NIS describes the 'Assessment of affects of the proposed FRS on lower River Shannon SAC and Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA. Each of the sites Qualifying Interests (QI) was assessed in view of the site-specific conservation

objectives. Tests examined direct and indirect effects of the proposed FRS. Indirect effects included the construction and operational phases of the works. Mitigation measures have been proposed and are outlined to maintain the integrity of European sites in view of their conservation objectives.

The NIS report has been updated to reflect Article 6 (3) of the Directive. The assessment undertaken within the NIS addresses if the proposed FRS will 'adversely affect' the integrity of the European sites in view of the sites conservation objectives.

Section 12 is the conclusion section of the NIS report. The text 'will not give rise to significant negative effects' has been replaced with 'adverse affects' in relation to the integrity of European sites in view of the sites conservation objectives.

Assessment of cumulative impacts with other plans and projects has been replaced with in-combination impacts of other plans and projects.

5. SUBMISSIONS AND OBSERVATIONS

Response to An Taisce Submission to An Bord Pleanála regarding Water Quality Monitoring for the proposed gravel removal works at the River Galey, Athea Bridge, Co. Limerick.

Addressed in Section 4.1

Response to DAU Submission to An Bord Pleanála regarding Underwater Archaeological Impact Assessment (UAIA) in advance of proposed gravel removal works at the River Galey, Athea Bridge, Co. Limerick.

Mizen Archaeology have completed a UAIA, which can be found in Appendix D. This has been submitted directly to National Monument Service (NMS).

Response to Geological Survey Ireland the proposed gravel removal works at the River Galey, Athea Bridge, Co. Limerick.

LCCC wish to confirm receipt of the Geological Survey Ireland (GSI) submission, received on 08/07/2021. As requested in the submission, LCCC will review and utilise the relevant, available datasets from GSI in all assessments. LCCC will make available any site investigation reports carried out to GSI.

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REPORT**