



18th May 2021

Mr. Vincent O'Malley,
Transport Infrastructure Ireland,

[REDACTED]
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[REDACTED]

via email to: [REDACTED]

Re: Submission of Natura Impact Statement to the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media pursuant to the requirements of Regulation 42(9)(c) of the European Communities (Birds and Natural Habitats) Regulations, 2011 (as amended).

NW Term Maintenance Contract 3 – Teesan Culvert – Natura Impact Statement

Dear Mr. O'Malley,

The Department is in receipt of your email dated 6th April 2021 in respect of the project referred to above and has reviewed the Natura Impact Statement (NIS) referred to the Minister in this regard.

The Department notes the Teesan Culvert is 3km directly upstream of the Cummeen Strand/Drumcliff Bay Special Area of Conservation (SAC) [Site code 000627] and Cummeen Strand Special Protection Area (SPA) [Site code 004035].

The NIS states that the existing culvert has been assessed as degrading due to scour and in the absence of repair works it is likely to result in structural failure. It is noted that the proposed project involves maintenance works to protect against further degradation of the stream bed.

Matters relating to Appropriate Assessment (AA);

The Department would like to highlight the requirement to assess all the identified impacts on each QI and SCI, in view of the conservation objectives, of the European sites. While it is acknowledged that Site Specific Conservation Objectives (SSCOs) are referenced for Cummeen Strand SPA, the NIS has not referred to the SSCO for Cummeen Strand/Drumcliff Bay SAC in sufficient detail with respect to the attributes and targets in Section 5.2.1.2.

The Department notes that 'Wetlands and Waterbirds [A999]' Special Conservation Interest (SCI) has not been included in Table 5-7 on page 30 of the NIS.

The Department notes the primary indirect impact identified is deterioration of water quality through mobilisation of silts, nutrients, hydrocarbons and concrete material.

An tSeirbhis Páirceanna Náisiúnta agus Fiadhúlra,
90 Sráid an Rí Thuaidh, Margadh na Feirme, Baile Átha Cliath 7, D07 N7CV
National Parks and Wildlife Service,

[REDACTED]



Mitigation

Mitigation measures should be clear and specific for each identified impact on each QI and SCI. They must be based on a sound scientific understanding of the habitats or species within the affected European sites and designed to ensure they can be effectively implemented. The Department notes the inclusion of 'General Measures' (6.3.1) and makes the following recommendations:

1. Measures 2, 3, 4, 7, 8, 9, 10, 11 & 12 of these general measures should be included in Section 6.3.2 'Specific Measures' as they relate to mitigation measures which are intended to avoid or reduce likely significant effects on the European site. While general measures are welcomed and can be included in the NIS, the NIS should outline all the specific mitigation measures.
2. Specific detail and certainty underpins the NIS, the AA process, there should be no uncertainty surrounding the implementation of a mitigation measure in an NIS. With regard to Section 6.3.3 'Biosecurity protocols', the Department recommends removing terms, for example, in Option no. 2, "*If drying out of equipment is not feasible*" and stipulating that option no. 1 is removed. Option no. 2 is recommended as a biosecurity mitigation measure.
3. The Department acknowledges the specific mitigation measures outlined in the NIS and recommends implementing them in full.

The Department notes that pre-construction invasive species surveys will be conducted prior to the commencement of works. The Department would like to highlight that invasive species surveys should be carried out to inform the AA where their presence could affect the qualifying interests of a European site. Where invasive species are recorded, specific mitigation will be required and will be subject to any applicable licencing requirements under Regulation 49 of the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended).

Other Matters

The Department would like to highlight that Bat species (and Otter) are protected under the Wildlife Act, 1976, and are subject to a regime of strict protection pursuant to the requirements of the Habitats Directive (92/43/EEC) as transposed in Irish law in Regulation 51 of the European Communities (Birds and Natural Habitats) Regulations, 2011 (as amended).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Gerry Clabby', is written over a white background.

Gerry Clabby
Head of Ecological Assessment

