



3 August 2022

Mr. Christian Nea,
Transport Infrastructure Ireland,
Parkgate Business Centre,
Parkgate Street,
Dublin 8
D08DK10

via email to: Christian.Nea@tii.ie

Re: Submission of Natura Impact Statement to the Minister for Housing, Local Government and Heritage pursuant to the requirements of Regulation 42(9)(c) of the European Communities (Birds and Natural Habitats) Regulations, 2011 (as amended).

Submission of Natura Impact Statement – Appropriate Assessment of Specific Maintenance Works carried out pursuant to Munster Bridges Term Maintenance Contract No. 3

Dear Mr. Nea,

The Department is in receipt of your email dated 22nd June 2022 in respect of the project referred to above and has reviewed the Natura Impact Statement (NIS) referred to the Minister in this regard. The assessment carried out in the NIS is largely satisfactory and the Department notes the mitigation measures proposed to ensure that the proposed project will not have an adverse effect on the integrity of the Lower River Shannon cSAC or any European site alone or in combination with other plans or projects.

There are a number of remaining matters of concern to the Department which need to be addressed by TII in this case, as follows:

1. The Department notes the acknowledgement in your email dated 20th July 2020 (footnote 2) that the works described in the NIS constitute a project. The Department understands that TII is satisfied that the works do not require planning consent per the requirements of the Planning and Development Act, 2000, and that the project is consequently subject to the provisions of the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. No. 477 of 2011) in respect of appropriate assessment. The Department would welcome a copy of, or summary of, any legal advice in relation to the exemption of such works from requiring



planning permission. This is because the Department has a legal obligation not to consent to works which require planning permission.

2. The source of the sand for the sand bags is not referred to in the NIS, and needs to be clarified before the appropriate assessment is complete. The NPWS is aware of situations where finer textured material was used by contractors in 'sand bags', which were subsequently damaged and the contents realised during a storm flow in the river in which they were placed, resulting in adverse effects on the benthic ecosystem. As the substrate near the bridge appears to be the estuary habitat sub-community '*sand to sandy mud with polychaetes and bivalves community complex*', it is important that the sourced sand is of an equivalent grade and chemical composition, and free from contaminants, in the event that there is any inadvertent damage to one or more of the sand-bags. It is recommended that the ecological clerk-of-works documents the sand bag content source, and checks that this is indeed what the bags contains.
3. The intertidal sandbanks shown in Figs. 1.20 and 1.21 of the NIS are likely to be intertidal sand- and mud-flat habitat, and given the amount of access required, it is important that mitigation measures are put in place to avoid excessive erosion or compaction of this sandbank.
4. It is recommended that the contractor is made aware of the possibility that the proposed mitigation measures, particularly in relation to fuel and fresh cement and shotcrete, may be inspected by one or more authorised NPWS officer(s), and that such an inspection, complying with necessary health and safety measures, is facilitated as far as possible. The reason for such an inspection is based on lack of adherence to mitigation measures by public authority contractors elsewhere observed by NPWS staff.
5. It is mentioned in the NIS that the works may extend into the autumn, although there is no completion date stated. If the works extend into the late winter/early spring, then potential effects of noise on nearby wintering birds needs more detailed consideration, as waterfowl and waders will be then preparing for migration.



Yours sincerely,

Paul Scott,
Head of Ecological Assessment