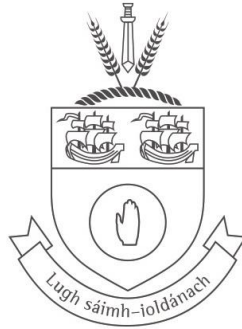


LOUTH COUNTY COUNCIL
Comhairle Contae Lú



**Section 177AE Application for Coastal
Protection Works at
Ballynamony (Murphy), Ballagan,
County Louth.**

Relating to Construction, Planning & Environment Report (in
Accordance with Section 177AE of the Planning and Development Act
2000 (as amended))

Revision History

Prepared by	Approved by	Status	Issued to	No of copies	Date
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1. INTRODUCTION

This report provides information to facilitate an An Bord Pleanála Section 177AE Assessment under the Planning and Development Act, 2000, (as amended) for proposed coastal protection works along the shoreline of the Cooley Peninsula located in the townland of Ballynamony (Murphy), Ballagan, County Louth. The site is south of the Village of Greenore and is located in an area designated as both a “Special Area of Conservation” (Carlingford Shore SAC - Site Code 002306) and “Special Protection Area” (Carlingford Lough SPC - Site Code 004078). Please see Figure 1 below.

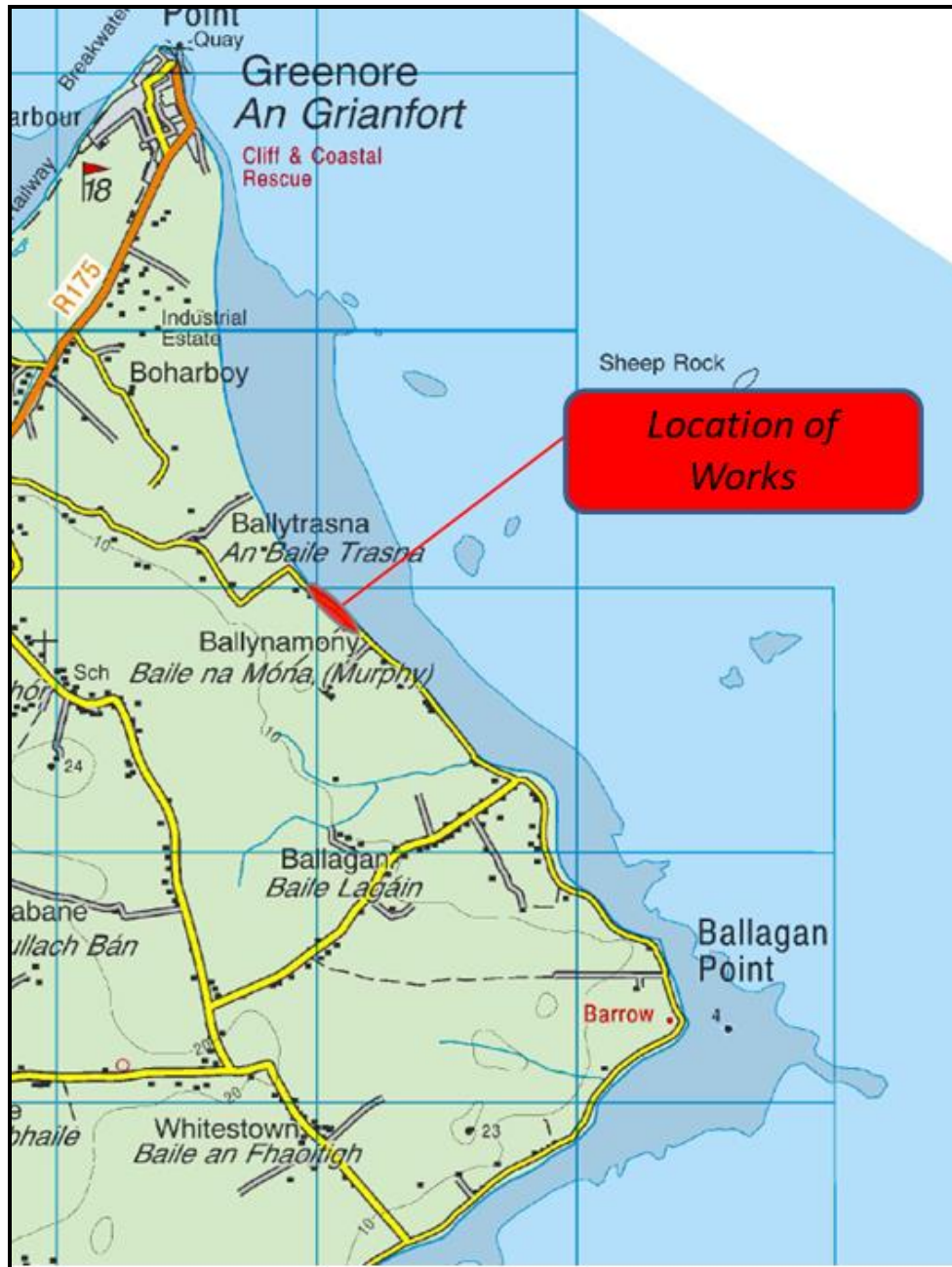


Figure 1 - Location of Proposed Works

The coastline of County Louth is of considerable intrinsic, special amenity and recreational value. Furthermore, the coastline is home to a variety of natural habitats and many species of flora and fauna. Special areas of conservation (SAC) proposed

natural heritage areas (pNHA) and special protection areas (SPA) designations cover much of the coastline.

This location has suffered the effects of coastal erosion to varying degrees and is susceptible to the failure of the adjoining public road if protection measures are not put in place. Public road failure would result in the loss of access to private and commercial properties. If the erosion is allowed continue, as well as loss of access, these properties will be susceptible to significant flood damage. Office of Public Works (OPW) funding has been approved (see Appendix A) to carry out coastal defence works at this location in order to protect; the public and private residence.

Given that the proposed work lies within the Carlingford Shore SAC and Carlingford Lough SPC, it was considered that significant effects to the Qualifying Interests (QI) of the SAC and SPC were unlikely to be screened out during an Appropriate Assessment Screening process. Therefore, Louth County Council commissioned a Natura Impact Statement (NIS) for the proposed works. This NIS was carried out by Mulroy Environmental during the summer and autumn of 2023 and the report was finalised in November 2023. A copy of the NIS is contained in Appendix B.

2. PROJECT PARTICULARS

2.1. CLIENT

Louth County Council
County Hall,
Millennium Centre,
Dundalk, Co. Louth.
A91 KFW6.

2.2. PROJECT SUPERVISOR DESIGN PROCESS (P.S.D.P)

Louth County Council
County Hall,
Millennium Centre,
Dundalk, Co. Louth.
A91 KFW6.

3. PLANNING CONTEXT

The proposed scheme and subsequent Section 177AE Application have taken cognisance of the following National, Regional and Local planning policies:

3.1. NATIONAL & REGIONAL POLICIES

3.1.1. National Planning Framework (NPF) Project Ireland 2040

The NPF recognizes that as a result of climate change, sea levels and patterns of accretion and erosion are key issues for planning and flood risk assessment.

The following national policy objectives are considered relevant in the context of the proposed scheme:

National Policy Objective 41A: Ensure that Ireland’s coastal resource is managed to sustain its physical character and environmental quality.

National Policy Objective 41B: In line with the collective aims of national policy regarding climate adaptation, to address the effects of sea level changes and coastal flooding and erosion and to support the implementation of adaption responses in vulnerable areas.

3.1.2. Climate Action Plan 2023

The Climate Action Plan 2023 (CAP23) states that “climate change is causing fundamental and potentially irreversible changes to our marine environment, with consequences for all of society. Global ocean warming and ocean acidification may result in dire consequences for our marine ecosystems. At the same time, the intensity of storm events has increased, threatening coastal communities and infrastructure.” It is these globally occurring actions that give rise to the need for the proposed project.

3.1.3. Maritime Area Planning (MAP) Act 2021

The Maritime Area Planning (MAP) Act 2021 has provided the legal underpinning to an entirely new marine planning system, which will balance harnessing offshore wind potential with protecting our rich and unique marine environment. Enactment of the MAP Act has delivered a new legislative basis. A new agency, the Maritime Area Regulatory Authority (MARA), has been established to manage consenting, licensing, and enforcement activities in Irish marine space.

Louth County Council engaged with MARA in order to obtain Maritime Area Consent (MAC) for the proposed works (See Appendix C). It was however confirmed by MARA that only proposed works that cross the High Water Mark (HWM) require them to issue any consents – the proposed works at Ballynamony (Murphy), Ballagan do not cross the HWP and therefore would not require MARA consent.

3.1.4. **Regional Spatial and Economic Strategy (RSES) 2019-2031**

In line with national policy, the RSES 2019 – 2031 recognizes that “coastal erosion and flooding have the potential to seriously affect properties, businesses, transport infrastructure, coastal habitats and cultural heritage sites. Many areas are experiencing ‘coastal squeeze’ from increasing population and development pressures and the effects of climate change, with the east coast particularly vulnerable to sea level rise due to the large proportion of the population living in close proximity to the coast”.

Regional policy objectives as they relate to coastal erosion are set out as follows:

RPO 7.3: Eastern and Midland Regional Assembly will support the use of integrated Coastal Zone Management (iCZM) to enable collaborative and stakeholder engagement approaches to the management and protection of coastal resources against coastal erosion, flooding and other threats. (The use of iCZM is also referenced under Section 11.5.2.1 - Integrated Coastal Zone Management in the Louth County Development Plan 2021 - 2027).

RPO 7.4: Statutory land use plans shall take account of the risk of coastal erosion, whereby new development should be avoided in areas at risk of coastal erosion to the greatest extent practicable.

3.2. **LOUTH COUNTY DEVELOPMENT PLAN 2021 - 2027**

Chapter 11 of the County Development Plan, and in particular Section 11.5 “The Coast”, narrates the strategic, environmental and economic importance of the coastline of Louth. It also acknowledges the vulnerability of the coastline through the continuous natural dynamic processes of erosion and deposition, Please note Figure 2.

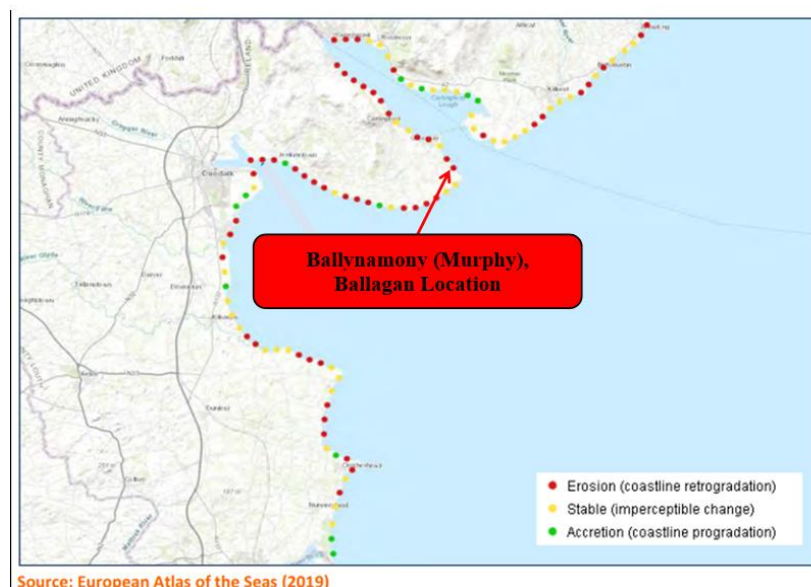


Figure 2: Extract from European Atlas of the Seas (2019) with Proposed Site Location

Chapter 11 of the County Development Plan identifies a number of policies to which the proposed project will adhere to insofar as practical. These policies are namely:

- ENV 53** To explore, where coastal erosion is considered a threat to existing properties, the technical, environmental and economic feasibility of coastal adaptation and coastal retreat management options.
- ENV 54** To employ soft engineering techniques as an alternative to hard coastal defence works, wherever possible.
- ENV 55** To identify, prioritise and implement necessary coastal protection works subject to the availability of resources, whilst ensuring a high level of protection for natural habitats and features, and ensure due regard is paid to visual and other environmental considerations in the design of any such coastal protection works.

3.2.1. DEVELOPMENT ZONES

The site is located in the townland of Ballynamony (Murphy), Ballagan, County Louth. The location is classified as a Rural Node area under Table 2.4 of the Louth County Development Plan 2021 – 2027. Rural Nodes are characterised by residential development with limited services

3.2.2. CLIMATE CHANGE

The Louth County Development Plan recognises that the coastline is an important resource to protect and is also subject to erosion from sea level rises due to climate change. Policy CA4 seeks to support the work of Louth County Council in:

- Developing a robust comprehension of the key risks and vulnerabilities of the County to the negative impacts of climate change;
- The implementation of adaptation and mitigation actions of the strategy aimed at building climate resilience across local communities; and
- Promoting the integration of effective adaptation and mitigation considerations into decision making processes.

3.2.3. FLOODING

Flood zones are geographical areas within which the likelihood of flooding is in a particular range and they are a key tool in flood risk management within the planning process as well as in flood warning and emergency planning.

Louth County Development Plan 2021 – 2027 states “Like other natural processes flooding cannot be completely eliminated, but its impacts can be minimised, with proactive and environmentally sustainable management of catchments, identifying areas vulnerable to flooding and by taking measures to ensure development does not individually or cumulatively contribute to an increase in flood risk. With climate change, there is a likelihood of increased rainfall and rising sea levels, which coupled with increased urbanisation means that flood risk to property is likely to increase in the future.”

It is with this in mind, that Louth County Council wishes to carry out the proposed project in order to minimise the threat of coastal flooding to private property in the location by defending the existing wall/bank to a higher standard than currently exists.

The following policy from Chapter 11 of the Louth County Development Plan 2021-2027 is also considered relevant to both coastal erosion and flooding:

ENV 32: Where new or upgraded flood/coastal defences are shown to be essential to protect existing development, all such proposals shall be subject to the floods and habitats directive and all other statutory requirements;

4. BALLYNAMONY (MURPHY) BALLAGAN COASTAL PROTECTION WORKS

4.1. LOCATION

The proposed works location is along the shoreline of Carlingford Lough on the Cooley Peninsula in the townland of Ballynamony (Murphy), Ballagan, southeast of Greenore, County Louth (Please see Figure 3 and 4). Grid co-ordinates for the site are as follows:

	ITM	Irish Grid
Easting:	723031	323091
Northing:	808909	308892

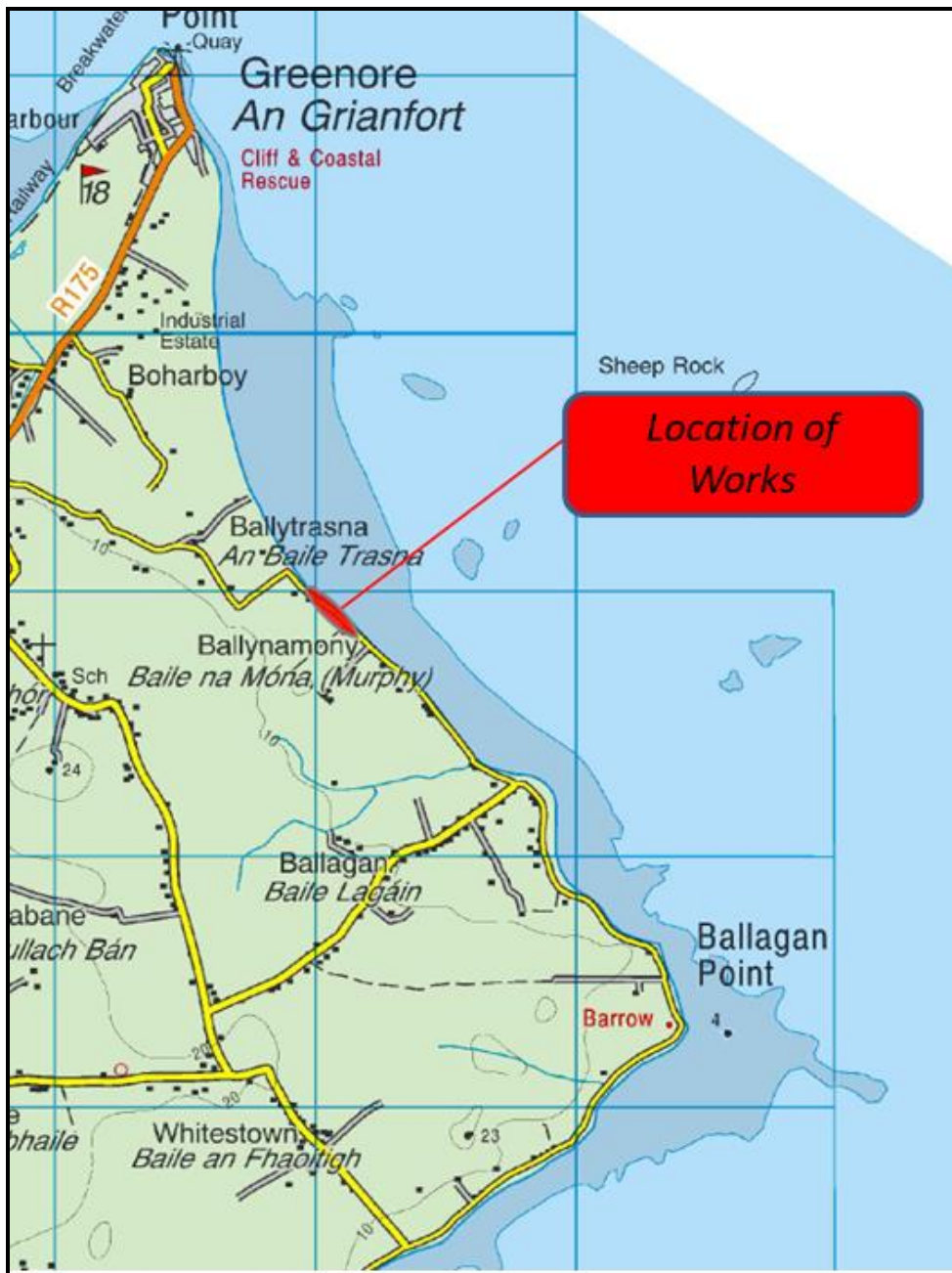


Figure 3 - Works Area



Figure 4: Location of Existing Defences to be Repaired/Enhanced

4.2. PROJECT JUSTIFICATION

An area of coastline at the above location has experienced ongoing coastal erosion over the last number of years and, in particular, during the storm events of the recent years. Existing defences at this location has been displaced and depleted. Continued erosion at this location threatens to cause a public road to fail and potentially expose a private property and land to the effects of coastal erosion.

In line with OPW criteria and standards, a cost benefit analysis shows that there is financial justification for carrying out coastal protection works to 229meters at this location in order to protect the public road and private properties.

Funding was approved by the OPW for the proposed works in June 2023.

4.3. SYNOPSIS OF THE WORKS

The proposed works involve the following (refer to Figure 5):

The proposed works at Ballynamony (Murphy), Ballagan is to provide coastal defences and repair the existing concrete stone seawall along a 229m stretch along the LS7066 Public Road using a range of measures.

These remedial measures will use concrete products. The Concrete Works proposed are as follows:

- Re-pointing of stonework at chainages; 0-4 metres and 144-150 metres
- Concrete crack repair at chainages; 4-15 metres and 100-144 metres. Smaller cracks in the existing wall are to be repaired using Crack Repair epoxy repair/mix mortar. Cracks and gaps are to be cleaned out thoroughly prior to application.

- In situ concrete to fill voids of the existing sea wall at chainages; 15-35 metres, 75-100 metres and 159-164 metres. These larger voids are to be repaired by cleaning out loose and broken Concrete from the previous installation and adding In situ concrete: (30N lean mix concrete infill to voids) to the existing Sea Defence wall. The largest void infill will be no more than sections 300mm x 700mm in dimension
- Break up damaged section of existing coastal defences and compact down. The sea wall is then to be replaced with composite concrete at chainage 35-75 metres. This will be undertaken by adding In situ concrete: (30N lean mix concrete) to enhance the existing Sea Defence wall.

A new section of rock armour is proposed at chainage; 189-229 metres, this will be completed by;

- Excavating a 1m wide x 1m deep trench, approximately 30m in length at along the toe of the existing shoreline embankment,
- The existing soil and subsoil within the 120m² area (i.e., 40m x 3m) will need to be dug by excavator to a depth of 1m below ground level and removed offsite
- Placement of the first row of 3 tonne boulders within these excavations to form a bedding of rock armour off which further armour will be positioned,
- Placement of further rows of rock armour, with each row stepped back, to form a sloped wall at a slope of approx. 1 - 1.5 of rock armour up to the existing road level,
- Placing a layer of geotextile membrane underneath the rock armour to mitigate against any migration of fines from under the rock armour
- It is proposed to recycle any suitable boulders excavated as part of the groundworks. Any materials removed from the site which may be found to be suitable for the rock armour will be sorted and placed in a temporary stockpile at a suitable location upgradient of the site.
- The previously excavated suitable material will be used to fill void spaces within the emplaced boulders.

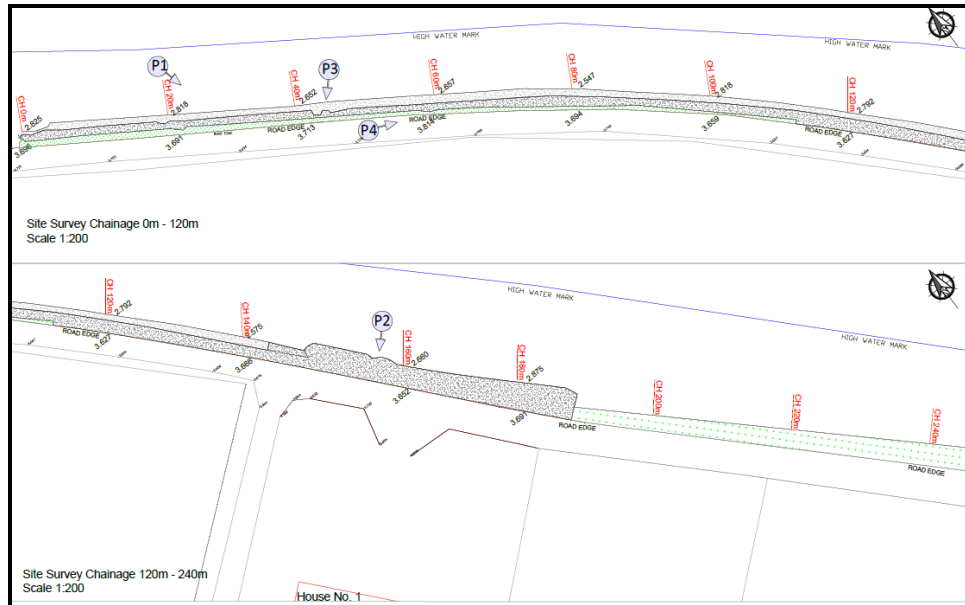


Figure 5 - Extract from Drawing No. CE-2021-02-01 Proposed Coastal Protection Works

4.4. TIMESCALE FOR THE COMPLETION OF THE CONSTRUCTION WORK

Anticipated construction time is approximately 4 weeks.

4.5. THE EXISTING ENVIRONMENT

Ballynamony (Murphy), Ballagan is classified as a Rural Node area under Table 2.4 of the Louth County Development Plan 2021 – 2027. Rural Nodes are characterised by residential development with limited services. The site is located within this rural node and is an area of scenic beauty, with views extending across Carlingford Lough Bay. There are numerous dwelling houses and agricultural properties located immediately adjacent to the shoreline (Please See Figure 6).

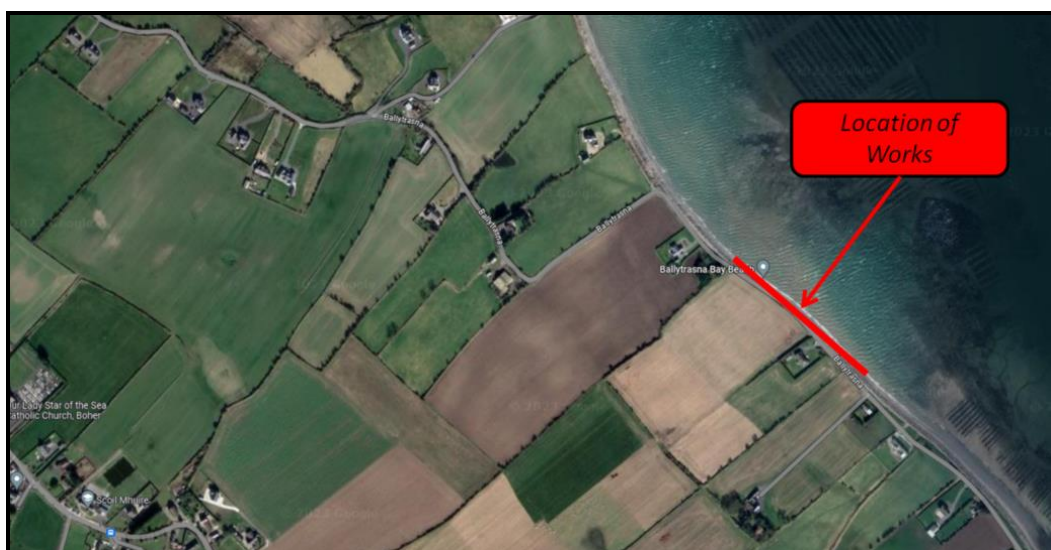


Figure 6 - Satellite View of Works Area

4.6. DESIGN DRAWINGS

Refer to Drawing No. CE-2021-01-01 and CE-2021-01-02 in Appendix D. The Drawings have been prepared to demonstrate and aid the understanding of the proposed works. Extracts of the drawing are shown below in Figure 7.

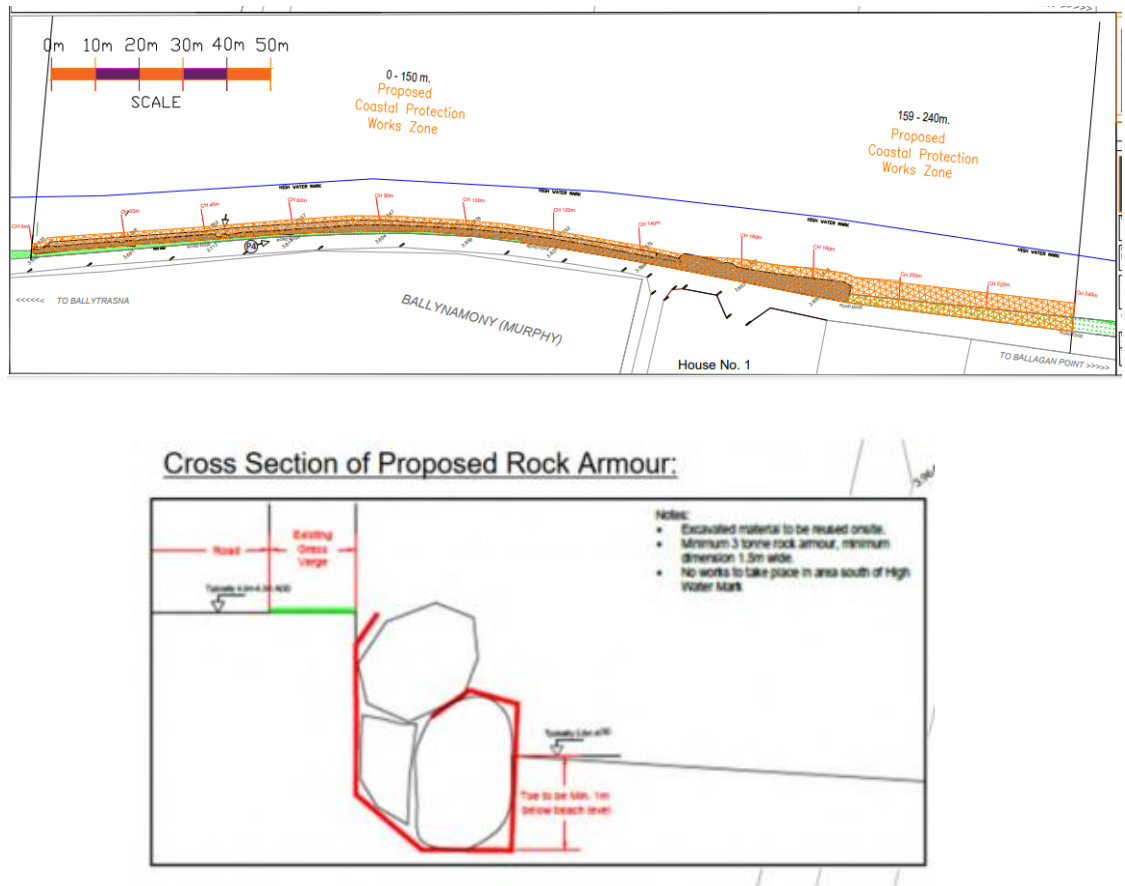


Figure 7: Extracts of civil engineering drawings for proposed Coastal Works at Ballynamony (Murphy), Ballagan

4.7. CONSTRUCTION PHASE(S)

Should this project proceed to construction stage and given the small scale nature of the works, it is anticipated that the construction works will be completed in one single phase. The anticipated actions required for construction of this coastal protection scheme are as follows:

- Inductions and site set up by appointed contractor. No item of plant or equipment (including stores or offices) shall be placed or parked on the SAC and SPA zones.
- Site Protection Measures: Carry out mitigation measures as identified in the NIS (Step 4) i.e. fencing off of Annex 1 Habitat and matted protection to Annex 1 Habitat at vehicular access/egress point.
- Site preparation/clearance of the works area in the vicinity of the proposed trench.
- Undertake Repointing of stonework
- Patch repair to existing sea defences.

- In situ concrete added to fill voids of the existing sea wall
- Carryout in fill and voids of existing stone wall
- Excavation and preparation of trench for foundation boulders.
- Placement of geotextile membrane and rock armour,
- Reuse of material excavated from trench within the voids of rock armour protection.
- Tidy of site and removal of all associated construction materials and debris.

4.8. EMISSIONS/DISCHARGES DURING CONSTRUCTION

No discharges or emissions to land or sea will arise from the proposed works. Construction noise and emissions to air from machinery will be no more than standard construction activity and will be very short-term given the proposed works duration. Overall emission and discharges arising during construction are considered to have a negligible impact. discharges or emissions to land or sea will be arising from the proposed works.

4.9. OPERATIONAL PHASES

There are no operational requirements for the proposed works aside from routine inspection.

4.10. MITIGATION MEASURES

The proposed works will be carried out by contractors who can meet the requirements of the standard best practice measures outlined below. The relevant appointed contractor shall have regard to measures to be implemented during the construction phase of the proposed works. The purpose of these measures is to ensure the strict protection of water quality in the freshwater environment and by extension the protection of the nearby designated European Sites. The appointed contractor shall be vigilant in ensuring that no activities, listed or otherwise, give rise to pollution of the nearby Carlingford Lough Bay SAC/SPA protected habitat with suspended solids or other pollution related material having due regards to the following measures outlined below:

The following extract from the NIS for Ballynamony (Murphy), Ballagan identifies the proposed mitigation measures:

- A site-specific Construction and Environmental Management Plan (CEMP) will be prepared for the development in advance of the works by the appointed Contractor with a draft CEMP submitted to Louth County Council's representative for approval prior to commencement of the works;
- In order to minimise any impact to adjacent Annex I / II ([1210] Annual Vegetation of Drift Lines and [1220] Perennial Vegetation of Stony Banks) in the vicinity of the area proposed for the new rock armour, it is proposed that daily supervision by an Ecological Clerk of Works (EcOW) is provided. Those areas on the foreshore identified as potential Annex I habitats should be fenced off prior to construction works commencing with daily monitoring carried out before, during and after the completion of the construction works;

- Construction of coastal protection works should only take place outside of the winter migratory bird months of September to March;
- A temporary haul road is not required on site due to the presence of the concrete slipway and licensed aquaculture haul road to the southeast of the site which should be utilised during construction;
- During periods of heavy precipitation and run-off, works will be halted or working surfaces/pads will be provided to minimise soil disturbance;
- Any bulk fuel storage tank should be a sufficient distance from the foreshore and properly bunded with a bund capacity of at least 110% of that of the fuel tank;
- Limit disturbance when excavating - Retain as much of the vegetated areas as possible. By limiting land disturbance, erosion hazards are reduced;
- The pouring of concrete for the project shall be completed during dry weather to avoid seepage to the groundwater environment;
- Temporary fills or stockpiles will be covered with tarpaulin to avoid sediment release associated with heavy rainfall;
- All fuels, lubricants and hydraulic fluids for equipment used on the construction site should be stored a sufficient distance from the foreshore in a roofed and bunded hazardous liquids container.
- These liquids should be carefully handled to avoid spillage, properly secured against unauthorised
- access or vandalism, and provided with spill containment in accordance with current best practice; In addition to the NIS mitigation measures, the successful contractor will be required to submit detailed method statements containing site specific mitigation measures to ensure avoidance of pollution or disturbance related impacts during the construction stage. The contractor will be required to adhere to the following during construction to prevent the spread and introduction of non-native species and noxious weeds.
- There will be no works or storage permitted outside the identified work area as shown in red on the contract drawings.
- The successful contractors will be inducted by the Louth County Council Engineer and notified of his obligations relating to H&S and Environmental Protection.
- In the vicinity of the SAC and SPA the site boundary will be defined at the outset of to prevent vehicles parking or storage of materials.
- No soil, plant or work materials shall be permitted to be stored on the SAC or SPA zones as shown on the contract drawings. Only inert rock material shall be permitted to be stored within the SAC and SPA zones.
- Storage of fuels and oils and daily refilling shall be undertaken at least 500m away from the SAC and SPA in a contained bunded area and the Contractor shall have the required spill kits available.
- All contractors plant shall be checked daily to ensure there are no fuel leaks.
- Tyres and tracks of plant and construction related vehicles will be checked for the presence of plant material i.e. leaves roots and rhizomes from non-native invasive species.

- The donor site for the materials i.e. quarry which is to act as the source of gravel and stone will be subject to screening for non-native invasive species prior to the commencement of works.
- Construction works shall be confined to daylight hours.

4.11. FLOOD RISK ASSESSMENT

There are no freshwater courses within the vicinity of the works. The proposed development will not give rise to any flooding or impact adversely upon adjoining lands.

4.12. HYDROLOGICAL/HYDROGEOLOGICAL IMPACT

The proposed works will not have any hydrological or hydrogeological impact upon the site location.

4.13. ASSESSMENT OF LANDSCAPE STATUS AND VISUAL IMPACT

Given the small scale nature of new works (30m in length), the proposed works will have a minimal effect on the overall visual appearance of the coastline.

It is anticipated that existing foliage/scrub at the toe of the proposed works location will be maintained insofar as possible and that this will screen the proposed rock armour to some extents when viewed from the public beach. (See Appendix E for current views of the proposed works area).

4.14. ARCHAEOLOGY, ARCHITECTURE AND CULTURAL HERITAGE

A preliminary overview of the existing environment with regards to archaeology, architecture and cultural heritage was carried out. This desk based review of available data (obtained from MapViewer Database 2020) is collated in Appendix E. The review has determined that the proposed project has negligible impact on known archaeology, architecture or cultural heritage

4.15. AIR, ODOUR AND NOISE EMISSIONS

The permanent works will not give rise to any ongoing air, odour or noise emissions.

There will be the standard temporary noise emissions arising from construction traffic and works for the duration of the project, however this is expected to be minimal. It is anticipated that an excavator/JCB will be the only item of plant operating during each working day, with intermittent deliveries of rock armour from tipper lorries.

Restricting the works to outside of the wintering season (October to March inclusive) will avoid disturbance to the wintering birds from any air, odour or noise emissions that may arise.

5. CONSULTATION WITH STAKEHOLDERS AND PRESCRIBED BODIES

5.1. CONSULTATION WITH THE PUBLIC

Public consultation prior to formal application under Section 177AE of the Planning and Development Act 2000 (as amended) is not a statutory requirement. Given the limited size of the proposed works, the works location and the extremely limited number of affected individuals, Louth County Council has not carried out any formal Public Consultation Days for this project.

5.2. CONSULTATION WITH LANDOWNERS AND RESIDENTS

There are no affected landowners – the works area is in public ownership. The owner of the protected property has been kept informed of the project status by informal conversations with local authority staff.

5.3. CONSULTATION WITH ELECTED REPRESENTATIVES

Louth County Councillors have been briefed about the project status through a series of Louth County Council monthly reports.

5.4. CONSULTATION WITH MARITIME AREA REGULATORY AUTHORITY (MARA)

Prior to this Section 177 Application, Louth County Council has corresponded with Maritime Area Regulatory Authority (MARA) in order to arrange for Marine Area Consent (MAC) for the proposed works (See Appendix C).

5.5. CONSULTATION WITH PRESCRIBED BODIES

The following list of Prescribed Bodies will be formally notified of this Section 177AE Application as set out in Article 121 of the Planning and Development Regulations 2001 (as amended):

- Minister for Communications, Marine and Natural Resources.
- An Taisce
- Heritage Council
- Waterways Ireland
- Inland Fisheries Ireland
- An Chomhairle Ealaíon (The Arts Council)
- Fáilte Ireland
- Department of Housing, Local Government and Heritage

6. SITE RULES & RESTRICTIONS

6.1. SITE RULES

The following is a non-exhaustive list of specific site rules which are to be developed by the successful tenderer:

- Mandatory that all site personnel have a valid Safe Pass.
- All staff to be inducted on the Health and Safety and Environmental issues.
- Control of access to the site and the prevention of unauthorised entry.
- Arrangements for personal protection measures for employees, visitors and other contractors and sub-contractors.
- Arrangements for spillages.
- Arrangements for training of employees in health, safety and welfare at work and how to deal with environmental issues.
- Arrangements to ensure that other contractors and sub-contractors provide evidence of their health and safety and environmental policies to ensure compliance with site rules.
- Arrangements for ensuring that all visitors to site comply with the site rules.
- Emergency procedures to deal with accidents.

6.2. SITE RESTRICTIONS

The following site restrictions will apply at both Seabank and Salterstown:

- No item of plant or equipment (including stores or offices) shall be placed or parked on the SAC and SPA zones.
- Restrictions on Working Hours
Normal working hours are as follows but cognisance should be given to tidal conditions which will restrict available working hours:
0800 - 1800 hrs Monday-Friday
800 - 16.30 hrs Saturday
- Restrictions on Access
The Contractor shall ensure that access to and from all properties adjoining the site shall not be unreasonably restricted during the construction works. The maintenance of access shall be the responsibility of the principal contractor.

7. UNFORSEEN CIRCUMSTANCES

Where unforeseen circumstances arise, the environmental issues arising must be submitted to the Project Supervisor (Design Process) as soon as possible after the event.

Where unforeseen circumstances cause significant design changes the environmental implications arising are to be submitted to the Project Supervisor (Design Process). Changes in design can only be implemented by the written approval of the Project Supervisor (Design Process) prior to commencement of any works affected by the change in design.

Environmental issues arising during the course of construction from design changes, control measures, unsafe practices, incidents and accidents, amendments to the contractors Environmental Plan and information for the Safety and Health File will be examined at site meetings.

Any significant alteration to the scope of the works, for whatever reason, must be vetted by the Project Supervisor (Design Process). Any hazard discovered but not removed during the construction period must be recorded and a copy of the records sent to the Project Supervisor (Design Process) as soon as possible and in any case before Practical Completion.

APPENDICES

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OPW Funding Approval Letter

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Appendix B

Natura Impact Statement

Report Volume I & Appendices Volume II & Figures

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Stakeholder Correspondence

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Design Drawing

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Draft Construction Environment Management Plan