



## Bandon Weir Fish pass – Emergency Repair works - AA Determination Statement

### Introduction

Pursuant to Regulation 42(11) of the European Communities (Birds and Natural Habitats) Regulation 2011 (As amended), The Office of Public Works, as a Public Authority, has conducted a Screening for Appropriate Assessment of the proposed interim repair works at Bandon fish pass in Bandon, Co Cork. The purpose of this Determination Statement is to allow interested parties to assess the Public Authority determination. In accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended, the OPW has undertaken an AA Screening assessment to assess, in view of best scientific knowledge and the conservation objectives of the site, if the project, individually or in combination with other plans or projects is likely to have a significant effect on a European Site(s). In undertaking this determination, the OPW have had regard to:

- The AA Screening Document prepared on behalf of the OPW by MKO

### The Plan or Project

The gravel and rock bed in the Bandon fish pass was seriously damaged by recent flood events which exposed a concrete sill at the upstream end of the fish pass that now impedes the migration of several fish species, including eel, salmon, trout and lamprey. The proposed interim works are necessary for the efficient functioning of the fish pass and will result in raised water levels and reduced velocity of the water across all or part of the sill. The Bandon River SAC is located 23km upstream of the proposed works and a functioning fish pass will have a positive effect on the QI species brook lamprey as it will enable upstream migration and will also benefit the other QI species, freshwater pearl mussel, as their larvae are dependent on salmonids hosts which will also use the fish pass for migration. Courtmacsharry Estuary SAC and Courtmacsherry Bay SPA are located at a distance of 9.4km from the proposed works but are separated from the works area by the open sea. The project will be carried out by the OPW under the Arterial Drainage Act (1945).

The AA Screening document did not identify any pathway for the proposed works to result in any likely significant effect on any European Site. There was no requirement for any mitigation or best practice to avoid the potential for significant effects as a result of the proposed works.

### Conclusion

The Office of Public Works (OPW) has determined, pursuant to Regulation 42(11) of the European Communities (Birds and Natural Habitats) Regulation 2011 (As amended) and following a review of the findings of the AA Screening Document, that the proposed interim repair works, whether considered individually and in combination with other plans and projects, do not have the potential to result in likely significant effects on any European Site.

The conclusion of the AA Screening Document is provided below and has been accepted by the OPW.

This conclusion reads as follows:

*'It is concluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European Sites, that the proposed works, individually or in combination with other plans and projects, will not have a significant effect on any European Site.'*