

FERMOY WEIR REMEDIATION AND FISH BYPASS CHANNEL

Environmental Impact Assessment Screening Report



February 2022

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Figure 2-1 Protected Structures in Fermoy

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1. INTRODUCTION

The EIA Screening process requires the Competent Authority to decide whether an Environmental Impact Assessment Report (EIAR) needs to be prepared or not.

Section 176A of the Planning & Development Act 2000 requires that an application for screening for Environmental Impact Assessment shall be submitted to the planning authority in whose area the development would be situated, which is Cork Co Co in this case.

This screening assessment report has been prepared on behalf of the developer, Cork County Council, to assist the planning authority in their determination.

EIA requirements in Ireland have their legislative basis in EC Council Directive 85/337/EEC (as amended by Directives 97/11/EC, 2003/35/EC and 2009/31/EC), codified and replaced by Directive 2011/92/EU of the European Parliament and the Council and subsequently amended by Directive 2014/52/EU on the assessment of the effects of certain public and private projects on the environment.

In the case of this proposed development, because Cork County Council is the applicant, the resultant planning application will be submitted to An Bord Pleanála for local authority developments under s.177AE (relating to appropriate assessment (AA)) of the Planning and Development Act, 2000, as amended through the Part 10 Procedure. The Competent Authority for Appropriate Assessment is An Bord Pleanála (ABP).

The applicant for the proposed development is Cork Co Co. The site of the proposed development is shown at Drawing 19011-TJOC-PL-XX-DR-C-0048 Site Location Plan (included at Appendix A). A portion of the site of the proposed development is in the ownership of Sherwood Oak Ltd under Folio CK24179L. The remainder of the site is in the ownership of Cork Co Co

2. THE PROPOSAL

Fermoy weir was constructed in the early 19th Century but has fallen into disrepair with the rate of deterioration accelerating in recent years. Fermoy weir is a protected structure, designated as such under the Fermoy Town Development Plan.

Cork County Council is obliged to protect the weir against further deterioration. Despite the presence of a fish ladder in the weir, the weir acts as a barrier to the passage of some fish.

The project proposed by Cork Co Co involves remediating the existing weir in Fermoy, which is listed as a protected structure under the Planning and Development Act, 2000 and which is also located in the River Blackwater which is designated a Special Area of Conservation (SAC) under the Habitats Directive.

The project requires a solution that will enable Cork County Council to fulfil their obligations to maintain and repair the weir (as its owner) at Fermoy, a Protected Structure under Section IV of the Planning & Development Act 2000, and comply with the conservation and fisheries obligations to provide for the free passage of fish along the river Blackwater arising under the Water Framework Directive, Habitats Directive and Inland Fisheries Act 2010 and related legislation.

In order to comply with the above legislative requirements, Cork Co Co propose to construct a new fish bypass channel in the northern bank of the river on the western side of Fermoy bridge and remediate the protected structure that is the weir.

2.1. Physical Characteristics of the Development

The proposed project comprises the remediation of the existing weir, including reconstruction of breached sections of the weir, and the construction of a rough channel pool bypass to provide for fish passage around the weir as detailed on the preliminary drawings included at Appendix A.

The weir remediation works can be divided into two different elements which comprise the remediation of the upstream section of the weir, including the existing fish ladder incorporated in the weir, and the downstream section of the weir. The weir is categorised as a rubble embankment (or Crump) type weir upstream of the bridge and extending for a distance of 37m east of Fermoy bridge. The remaining section of the weir, extending eastwards, is a gravity wall type weir (referred to as the Mill Race weir wall section). It is this section that has been breached.

The locations of the different sections of the weir are indicated on Drawing No. 19011-TJOC-PL-XX-DR-C-0058. A large section of the gravity wall type weir has collapsed resulting in a breach in the weir.

Cross-section details of the existing weir are shown on drawing 19011-TJOC-PL-XX-DR-C-0059. A plan of the proposed remediated weir is shown at Drawing 19011-TJOC-PL-XX-DR-C-0060 and the associated elements of this development are described below. Proposed remedial details to the existing fish pass are included on Drawing No. 19011-TJOC-PL-XX-DR-C-0081.

2.1.1. Weir remediation - Embankment Section

The remediation of the embankment (crump) section of the weir will involve the removal of the existing concrete apron and resetting of the limestone setts with the addition of random rubble fill (similar to the existing) where required. A high tensile geotextile will be incorporated to assist in reducing wash out of the fill in the embankment. At both the upstream heel and downstream toe of the crump weir section, the undercut / missing stonework will be reset on concrete heel and toe footings along with the addition of rock armour on both the upstream and downstream sides to prevent undercurrents undermining the embankment, in particular on the downstream section in the future.

The crest of the crump weir will be reinstated to a level corresponding to the historic level of the weir as evident from the historic photographs of the weir. A level of 21.45mOD is proposed for this section on the remediated weir.

Cross-sections through the embankment section of the weir, showing the proposed remediation works, are shown at Drawing No.'s 19011-TJOC-PL-XX-DR-C-0061 and 19011-TJOC-PL-XX-DR-C-0062 at Appendix A

2.1.2. Weir Remediation – Mill Race Weir Wall

The remediation of the Mill Race section of the weir, east of the Bridge, will involve reconstructing the breached sections with existing or new stonework to closely resemble the existing masonry. Given the nature of this section of the weir, it is proposed to inject natural cement (also referred to as Prompt) into the fill sections and place mass concrete in the core of the new section of the weir. The stonework facing will then be pointed in natural cement and the downstream face of the weir protected by adding rock armour. The capping of the Mill Race wall will be removed, the wall raised and the capping reset to a remediated level higher than the adjacent Crump weir, with a level of 21.55mOD proposed.

Cross-sections through the Mill race weir wall section of the weir, showing the proposed remediation works, are shown at Drawing No. 19011-TJOC-PL-XX-DR-C-0063 at Appendix A

2.1.3. Proposed Fish Bypass

The proposed bypass consists of constructing a curved rock (rough channel pool) ramp type of bypass in the northern bank of the river Blackwater, west of Fermoy bridge. The rock ramp will provide a ladder for fish migrating upstream and resting pools would be created by the varying levels of rock weir walls.

It is proposed to minimise the height of vertical walls on the sides of the curved bypass channel and grade the bypass channel into the existing landscape.

In order to provide for the required level of fish passage, a 28m wide rock ramp type bypass channel, with a crest level of 21.20mOD at the upstream end, is proposed to be constructed in the northern bank of the river.

Upstream water levels will be maintained by providing an approximate 50/50 flow spit between flows in the river and the proposed bypass channel at long term mean flow levels

and by reinstating the crest level of the existing weir to 21.45mOD along the length of the embankment (Crump) weir and to 21.55mOD along the length of the Mill Race Weir Wall. All flows up to 12.5% of the long term mean flow will be diverted through the bypass channel. This satisfies Inland Fisheries Ireland requirements for compliance with the DCENR Guidelines on the Construction and Operation of Small-Scale Hydro-Electric Scheme and Fisheries.

A drawing of the proposed fish bypass channel is presented on Drawing No. 19011-TJOC-PL-XX-DR-C-0053. Long sections and cross sections of the Fish Bypass channel are included on Drawing No.'s 19011-TJOC-PL-XX-DR-C-0054 and 19011-TJOC-PL-XX-DR-C-0055 at Appendix A

The bypass channel will facilitate free movement of migratory fish species listed as qualifying interests for the Blackwater River SAC (Sea Lamprey, River Lamprey, Twaite Shad and Atlantic Salmon and movement of Brook Lamprey). The fish pass will also be passable by eel.

2.1.4. Principal Characteristics

The principal characteristics of the proposed development are as follows:

Bypass Channel

- Felling of approximately 30 No trees for Bypass channel and demolition (by lowering) of approximately 100m of existing masonry river wall;
- Excavation of ~14,500m³ of spoil for construction of Bypass;
- Installation of ~2,050m² of sheet piles and ~250m length of concrete capping beams for side walls of Bypass Channel;
- Construction of ~250m² of masonry facing to bypass channel walls;
- Placement of ~3,750m³ of Gravel and rockfill for base of bypass channel;
- Placement of ~95m³ of Armourstone pitched vertically to create steps/ intermediate weirs in the Bypass channel;
- Installation of ~70m³ of concrete and ~500m² of sheet piles for inlet weir wall to bypass channel;
- Profiling and landscaping ~175m² of banks with 1:2 to 1:4 side slopes.
- Restoration of existing salmon leap including replacement of damaged and missing limestone from side walls and base
- River bed profiling between outlet from Fish Bypass Channel and Fermoy Bridge ~425m³.

Weir Remediation

- Demolition of ~176m³ of concrete apron on face of embankment;
- Placement of ~2,800m² of geotextile fabric and resetting of 2,800m² of limestone sets;
- Excavation of ~315m length of trenches in river bed for toe and heel protection to embankment;
- Placement of ~395m³ of concrete in toe and heel trenches;
- Placement of ~833m³ of rock armour to toe and heel of embankment;

- Construction of ~95m³ of concrete core for reconstructed mill race wall where the wall has been breached
- Removal of capping stone from existing Mill Race Wall
- Natural cement injection to both faces existing masonry weir wall (91.2m²);
- Grout injection of ~92m² of masonry in existing Mill Race Weir wall;
- Pointing of ~260m² of Masonry in existing Mill Race Weir wall
- Raising of ~15m of existing weir wall with masonry and in situ concrete.
- Reinstatement of capping stones to Weir wall at adjusted level.

All ancillary works including temporary diversion and control of flows, tie in to existing structures and river banks, provision of access causeways and haul routes, disposal of surplus material ecological monitoring, silt fences and curtains

2.2. Location of the Proposed Development

The site of the proposed development is located in the vicinity of Fermoy Bridge on the River Blackwater in the town of Fermoy, Co Cork. Fermoy weir extends from the northern bank of the river on the west side of the bridge, through the second arch from the south bank and continues east of the bridge towards a tie in with the apex of Mill Island. See aerial photograph at Fig 2-1 showing the weir relative to the bridge. Due to the age and the poor condition of the Mill Race Wier wall, an initial breach of the weir which occurred around 2016 has led to progressive unravelling of the masonry mill race weir wall and erosion of the western end of Mill Island. The OPW undertook emergency riverbed stabilisation works in the autumn of 2020 to mitigate against the excessive scour that was occurring as a result of the high velocities through the breach.

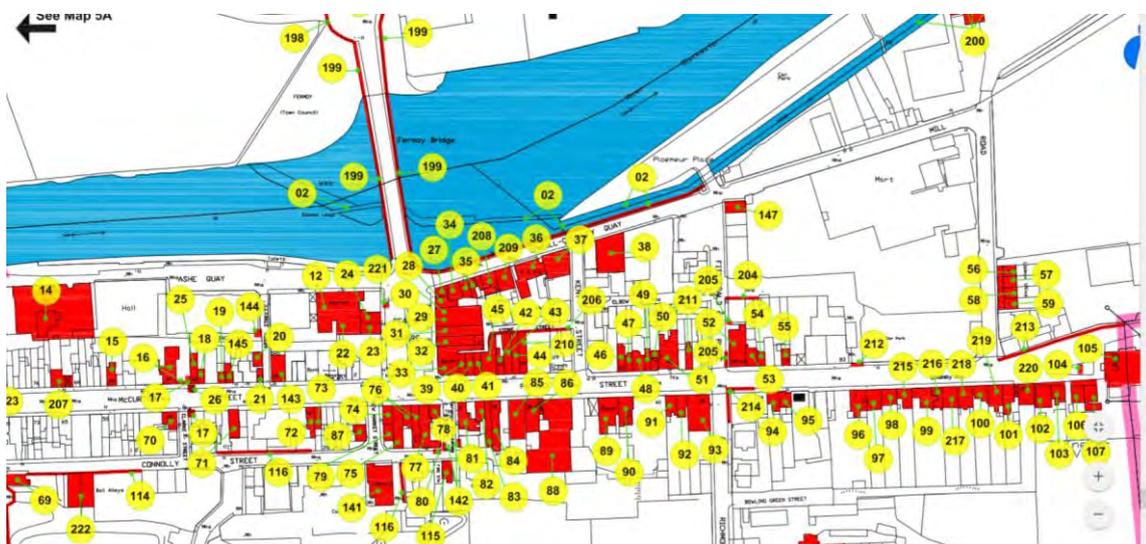


Figure 2-1: Protected Structures in Fermoy

The weir in the river Blackwater and the adjacent limestone quay wall at O'Neill Crowley Quay were included in the Fermoy Record of Protected Structures in the Fermoy Development Plan (2010-2016) with Registration No. 02 and described as "*River Blackwater - Weir (sic) and Limestone Quay Wall (Map 5)*". Map 5 is a map, included in the reference plans in the Fermoy Development Plan (2009-2015), showing the location of

protected structures in Fermoy. An extract from Map 5 showing the location of Reg No 02 is reproduced at Figure 2-1.

The weir is located in the River Blackwater within the Munster Blackwater Special Area of Conservation (SAC) (002170).

The River Blackwater is one of the largest rivers in Ireland and drains a significant area of Co. Cork and five mountain ranges. The Munster Blackwater SAC site is a SAC selected for habitats and/or species listed on Annex I / II of the E.U. Habitats Directive which consist of;

- Estuaries
- Tidal mudflats and sandflats
- Perennial vegetation of stony banks
- Salicornia mud
- Atlantic salt meadows
- Mediterranean Salt Meadows
- Floating River Vegetation
- Old Oak Woodlands
- Alluvial Forests (priority)
- Freshwater Pearl Mussel
- White-clawed Crayfish
- Sea Lamprey
- Brook Lamprey
- River Lamprey
- Twaite Shad
- Atlantic Salmon
- Otter
- Killarney Fern

The River Blackwater is of considerable conservation significance due to the occurrence of good examples of habitats and populations of plant and animal species that are listed on Annexes I and II of the E.U. Habitats Directive respectively. In addition, the importance of the site is enhanced due to the presence of a range of uncommon plant species.

The Conservation Objectives report for the Muster Blackwater identifies that artificial barriers block upstream migration for fish species including Atlantic Salmon, Twaite Shad, Sea lamprey and River Lamprey, thereby limiting species to lower stretches and restricting access to spawning areas. In the case of Brook Lamprey these barriers also block downstream migration, thereby possibly limiting species to specific stretches and creating genetically isolated populations. Large weirs on the Blackwater may delay salmon upstream migration in certain water conditions but do not generally prevent access to spawning areas. However, in the case of Twaite Shad, large weirs may prevent potential exploitation of adult spawning grounds.

It is noted that there are other European sites for which potential adverse effects could occur. This includes the Blackwater Callows Special Protection Area (004094), and the Blackwater Callows Proposed Natural Heritage Area (000073).

Other sites identified on the NPWS database within a 10km radius of the site are as follows:

- Blackwater Valley (The Beech Wood) 001797
- Blackwater Valley (Cregg) 001796
- Blackwater Valley (Killathy Wood) 001795

These sites are located upstream of the proposed development

Effects on other European sites are unlikely given the distance of same from the proposed works and the nature of these sites.

3. THE SCREENING PROCESS

3.1. Legislative Background

EIA requirements in Ireland have their legislative basis in EC Council Directive 85/337/EEC (as amended by Directives 97/11/EC, 2003/35/EC and 2009/31/EC), codified and replaced by Directive 2011/92/EU of the European Parliament and the Council and subsequently amended by Directive 2014/52/EU on the assessment of the effects of certain public and private projects on the environment.

The legislative requirements which deem whether an EIA is mandatory for a project are outlined in Schedule 5 of the Planning and Development Regulations 2001-2020. All Projects can be placed into one of the following two categories:

1. those that exceed the thresholds laid down and therefore have a mandatory requirement to prepare an EIAR; and
2. those projects that are sub-threshold and must be assessed on a case by- case basis to determine whether or not they are likely to have significant effects on the environment.

The first step in the screening process is to determine whether the project is of a type that is prescribed in the regulations. If a project is a class of project as listed in Part 1 of Schedule 5 of the Planning & Development Regulations 2001, as amended, then the preparation of an Environmental Impact Assessment Report (EIAR) is mandatory and, as such, there is no screening determination required.

Article 120 of the Planning & Development Regulations stipulate that EIA screening is required to be carried out to assess the effects of the proposed works on the environment. This clause of the Regulations reflects the requirements of EIA Directive (85/337/EEC as amended by 97/11/EC and 2003/35/EC) that specific development types shall be assessed for their likely environmental effects, (commonly known as EIA), before planning permission can be granted. Projects which require an EIA are listed in Schedule 5 of the Planning and Development Regulations 2001.

In the event that a proposed development which is of a class that requires environmental impact assessment but which is below the relevant EIA threshold, the planning authority can still request that an Environmental Impact Assessment Report (EIAR) to be carried out for a proposed development where it considers that the development is likely to have significant environmental effects. In this regard, the decision as to whether the development is likely to have a significant impact on the environment must be determined with reference to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001.

Screening relates only to projects listed in Schedule 5 Part 2 where significant effects on the environment cannot be discounted.

The EIA requirements under planning legislation have been consolidated into Part X of the Planning and Development Act 2000 and Part 10 of the Planning and Development Regulations 2001-2020.

3.2. Review of Schedule 5 Part 1

The proposed development is not of a type of project listed in Schedule 5 Part 1 of the Planning and Development Regulations in respect of which mandatory Environmental Impact Assessment is required. Therefore, the proposed development does not fall within a class of development for which an EIA is required.

3.3. Review of Schedule 5 Part 2

If a project is a class of project as listed in Classes 1 to 14 of Part 2 of Schedule 5 of the Planning & Development Regulations 2001, as amended, and exceeds the thresholds detailed in the class descriptions, then the preparation of an Environmental Impact Assessment Report (EIAR) is also mandatory in Ireland.

The relevant classes of projects as listed in Part 2 of Schedule 5 which may potentially encompass the proposed works are considered below:

Class 9 Infrastructure Projects

(f) (i) Inland waterway construction not included in Part 1 of this Schedule which would extend over a length exceeding 2 kilometres.

(f) (ii) Canalisation and flood relief works, where the immediate contributing sub-catchment of the proposed works (i.e. the difference between the contributing catchments at the upper and lower extent of the works) would exceed 100 hectares or where more than 2 hectares of wetland would be affected or where the length of river channel on which works are proposed would be greater than 2 kilometres.

(g) Dams and other installations not included in Part 1 of this Schedule which are designed to hold water or store it on a long-term basis, where the new or extended area of water impounded would be 30 hectares or more.

Class 13. Changes, extensions, development and testing

(a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:-

(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and

(ii) result in an increase in size greater than –

- 25 per cent, or
- an amount equal to 50 per cent of the appropriate threshold,

whichever is the greater.

None of the other projects listed in Class 1 to Class 14 of the Part 2 Schedule 5 of the Planning and Development Regulations 2001 -2019 could be considered to describe the proposed project.

Considering the classes of projects identified as potentially encompassing the proposed works, as listed above, the following can be concluded:

3.4. Class 9 (f)(i)

The proposed weir remediation and Fish Bypass channel is not an inland water as the river Blackwater is not a navigable water therefore this class of project does not encompass the proposed project.

3.5. Class 9(f) (ii)

The proposed weir and fish Bypass could not be considered to be flood relief works. Although the project will be completed within existing flood defences, these defences will not be altered or modified as a consequence of the project.

The proposed weir and fish Bypass is not a canalisation project. The bypass around the weir does not result in any difference between the contributing catchments of the upper and lower extents of the works.

3.6. Class 9 (g)

The proposed weir and fish Bypass does not increase the area impounded by the existing weir at Fermoy.

3.7. Class13 (a) (i) and (ii)

Class13 (a) (i) and (ii) do not apply to this development. The flood defence works that comprised the Fermoy Drainage Scheme was subject to EIA but the proposed project does not result in any increase in the scope of that project

3.8. Class 15

Class 15 of Part 2 of Schedule 5 relates to sub threshold development and is described in the schedule as follows:

Class 15. Any project listed in Part II which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7 of the Planning and Development Regulations as amended.

Given that none of the classes of development listed under Classes 1 to 14 in Part 2 of Schedule 5 could be considered to describe the proposed project, the requirements of Class 15 do not apply to this project.

Therefore, the requirement for subthreshold environmental impact assessment does not arise.

3.9. Sub-Threshold Development Criteria

Class 15, as described in Section 3.3.5 above, provides for a situation whereby the competent authority, in this case An Bord Pleanála, can determine notwithstanding the fact

the extent of development falls below the various thresholds set out above that it may have significant environmental effects. In the event that the Planning Authority were to determine likely significant effects could arise from the project, it would then become a requirement under Class 15 to complete an EIAR in this case.

The “Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment”, (DoPHLG, 2018), refers to Schedule 7 and 7A of the Planning and Development Regulations in the context of screening for sub-threshold developments.

Schedule 7A includes the requirement that information to be provided by the Applicant for purposes of screening Sub-threshold development for EIA should take into account, where relevant, the criteria set out in Schedule 7.

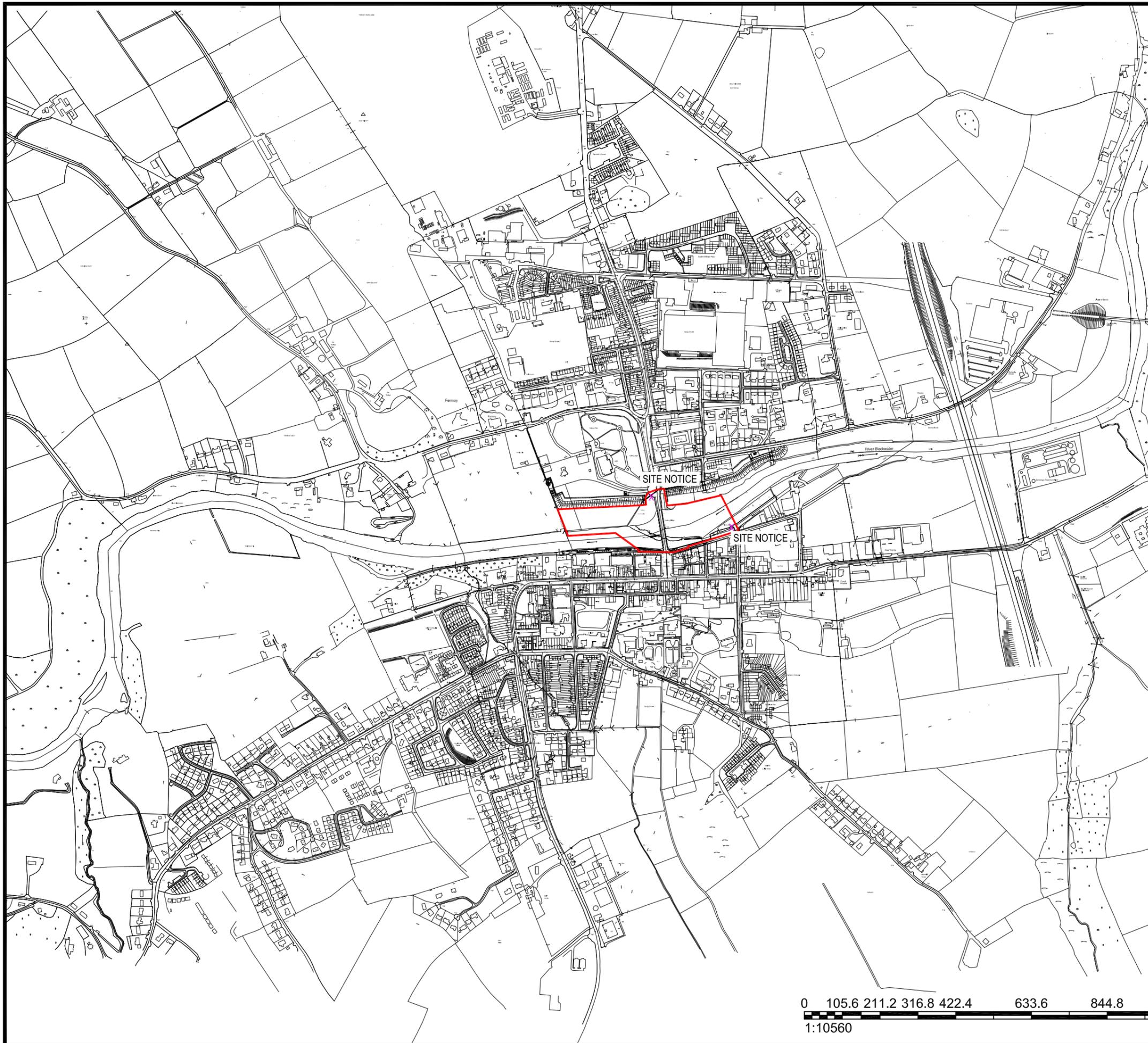
Schedule 7 of the Planning and Development Regulations 2001 to 2020 sets out criteria for determining whether development listed in Schedule 5 Part 2 should be subject to an Environmental Impact Assessment.

The project is not of a class listed in Project Types 1 to 14 in Schedule 5 Part 2, therefore there is no requirement to proceed to consider the criteria in Schedule 7.

APPENDIX A

Preliminary Scheme Drawings

19011-TJOC-PL-XX-DR-C-0048	Site Location
19011-TJOC-PL-XX-DR-C-0053	Fish Pass Plan
19011-TJOC-PL-XX-DR-C-0054	Fish Pass Long Section
19011-TJOC-PL-XX-DR-C-0055	Fish Pass Sections
19011-TJOC-PL-XX-DR-C-0058	Plan Existing Weir
19011-TJOC-PL-XX-DR-C-0060	Plan Proposed Weir
19011-TJOC-PL-XX-DR-C-0061	Proposed Sections Sheet 1
19011-TJOC-PL-XX-DR-C-0062	Proposed Sections Sheet 2
19011-TJOC-PL-XX-DR-C-0063	Proposed Sections Sheet 3
19011-TJOC-PL-XX-DR-C-0081	Existing Fish Pass Sections



LEGEND:

- PLANNING RED LINE BOUNDARY
- PERMANENT WAYLEAVES
- SITE NOTICE LOCATION

P03	S3	PLANNING RED LINE BOUNDARY REVISED	18.02.2022
P02	S3	ISSUED FOR REVIEW AND COMMENT	10.12.2021
P01	S1	ISSUED FOR INFORMATION	22.06.2021

REV	STAT	DESCRIPTION	DATE
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DRAWING STATUS:
ISSUED FOR REVIEW AND COMMENT

CHECKED BY: LC	REVIEWED BY: MV	APPROVED BY: DC
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PROJECT:
FERMOY WEIR REMEDIATION & FISH BYPASS CHANNEL

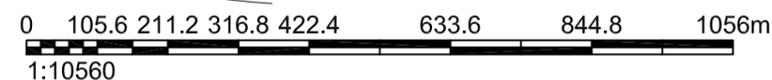
CLIENT:
CORK COUNTY COUNCIL

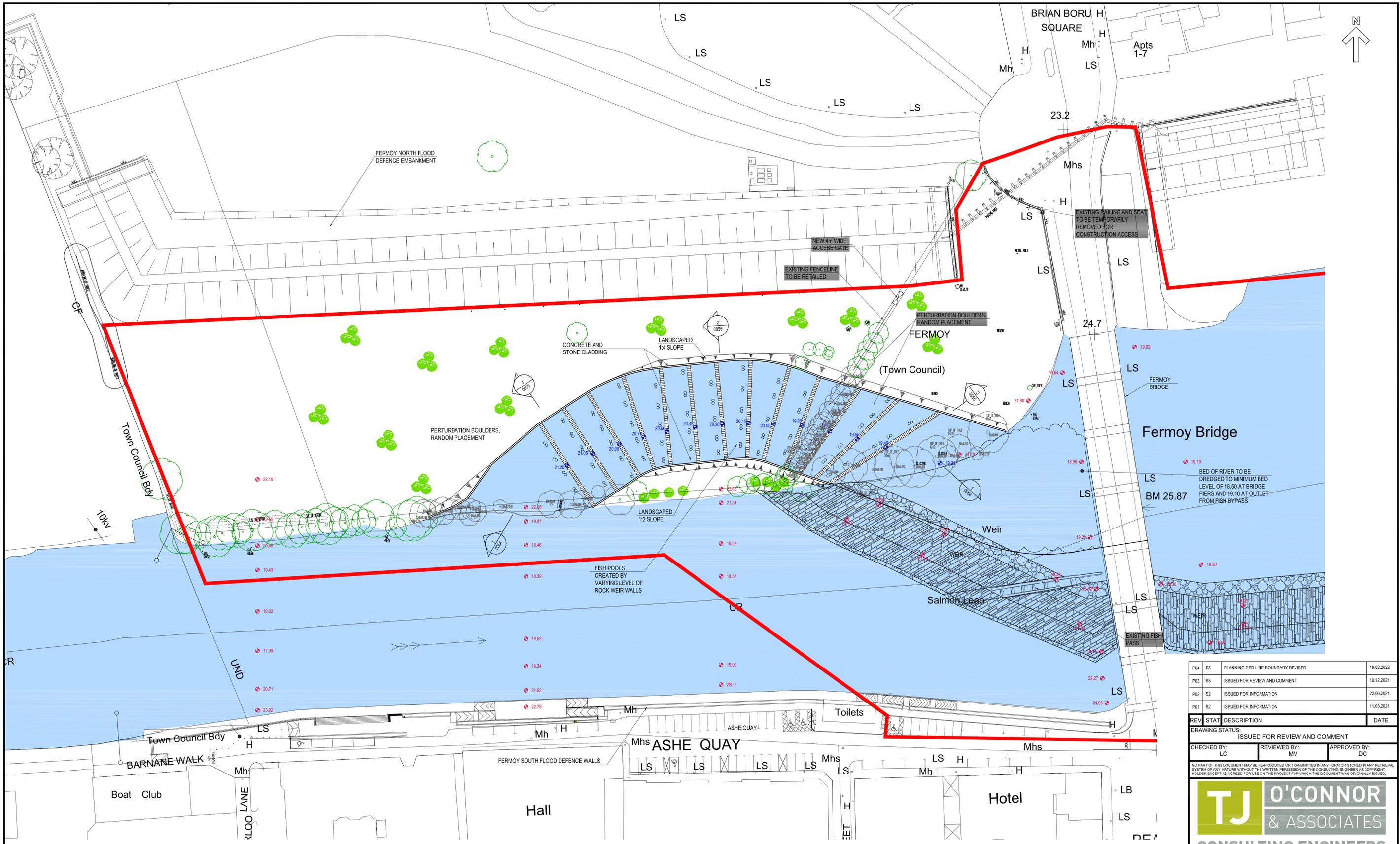
DRAWING TITLE:
SITE LOCATION MAP

SCALE: 1:10560 (A3)

PROJECT - ORIGINATOR - VOLUME - LOCATION - TYPE - ROLE - NUMBER
19011-TJOC-PL-XX-DR-C-0048

REV:
P03





LEGEND:

- EXISTING RIVER BED LEVELS ● 19.02
- PROPOSED LEVELS ● 19.02
- EXISTING TREES ○
- EXISTING TREES TO BE REMOVED ○
- PROPOSED PLANTING ●

NOTES:

1. REFER TO DRAWINGS 0054 AND 0055 FOR SECTION DETAILS OF PROPOSED FISH BYPASS CHANNEL.
2. ALL LEVELS SHOWN RELATE TO ORDNANCE DATUM MALIN HEAD.

P04	S3	PLANNING RED LINE BOUNDARY REVISED	18.02.2022
P03	S3	ISSUED FOR REVIEW AND COMMENT	10.12.2021
P02	S2	ISSUED FOR INFORMATION	22.06.2021
P01	S2	ISSUED FOR INFORMATION	11.03.2021

REV	STAT	DESCRIPTION	DATE
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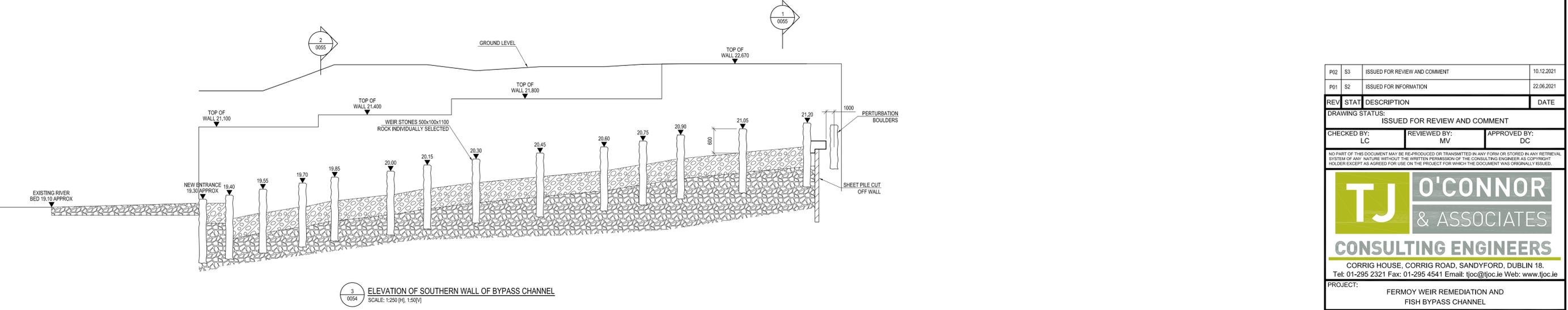
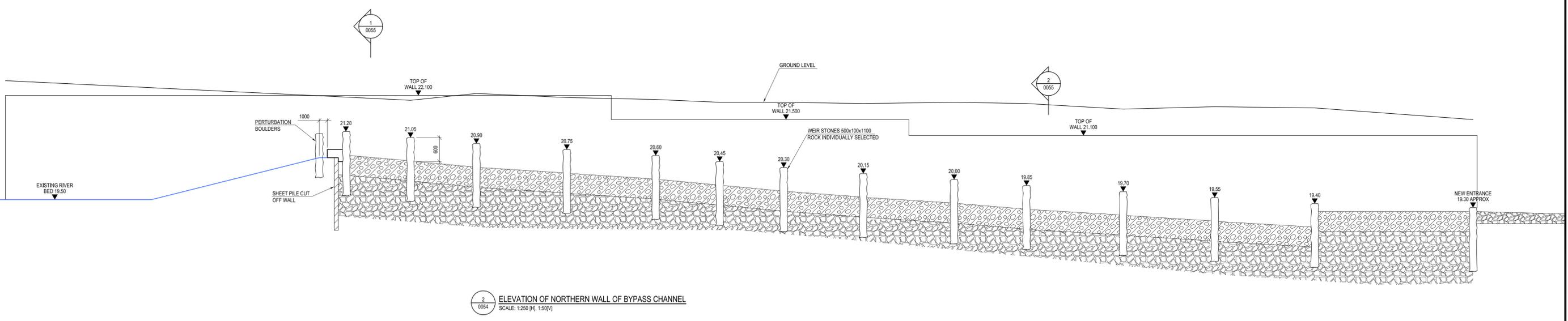
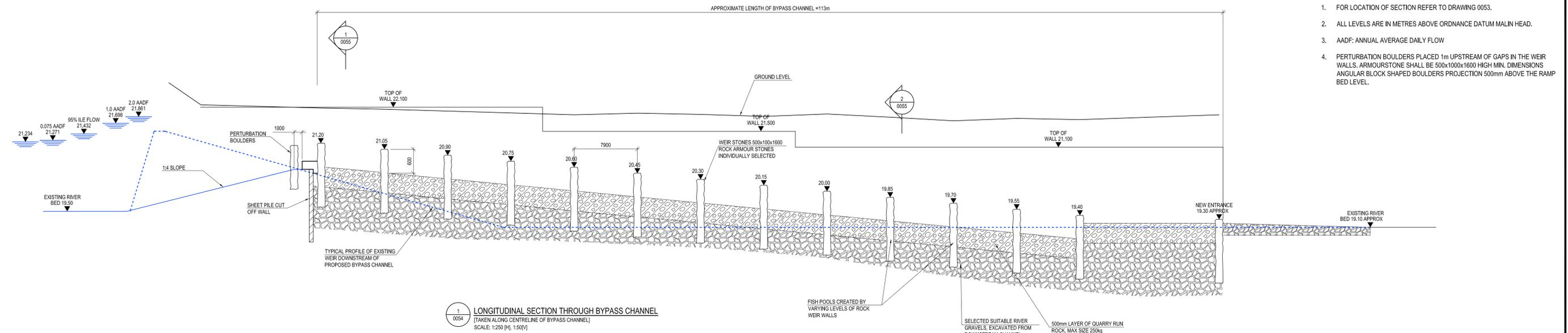
PROJECT:	FERMOIL WEIR REMEDIATION AND FISH BYPASS CHANNEL
CLIENT:	CORK COUNTY COUNCIL
DRAWING TITLE:	PROPOSED FISH BYPASS PLAN

SCALE: 1:500 (A1)

PROJECT ORIGINATOR - VOLUME - LOCATION - TYPE - ROLE - NUMBER	REV:
19011-TJOC-XX-XX-DR-C-0053	P04

NOTES:

1. FOR LOCATION OF SECTION REFER TO DRAWING 0053.
2. ALL LEVELS ARE IN METRES ABOVE ORDINANCE DATUM MALIN HEAD.
3. AADF; ANNUAL AVERAGE DAILY FLOW
4. PERTURBATION BOULDERS PLACED 1m UPSTREAM OF GAPS IN THE WEIR WALLS. ARMOURSTONE SHALL BE 500x1000x1600 HIGH MIN. DIMENSIONS ANGULAR BLOCK SHAPED BOULDERS PROJECTION 500mm ABOVE THE RAMP BED LEVEL.



P02	S3	ISSUED FOR REVIEW AND COMMENT	10.12.2021
P01	S2	ISSUED FOR INFORMATION	22.06.2021

REV	STAT	DESCRIPTION	DATE
DRAWING STATUS: ISSUED FOR REVIEW AND COMMENT			
CHECKED BY:	LC	REVIEWED BY:	MV
		APPROVED BY:	DC

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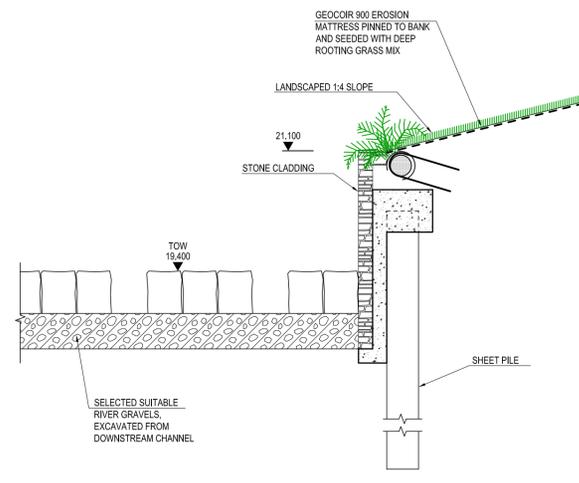
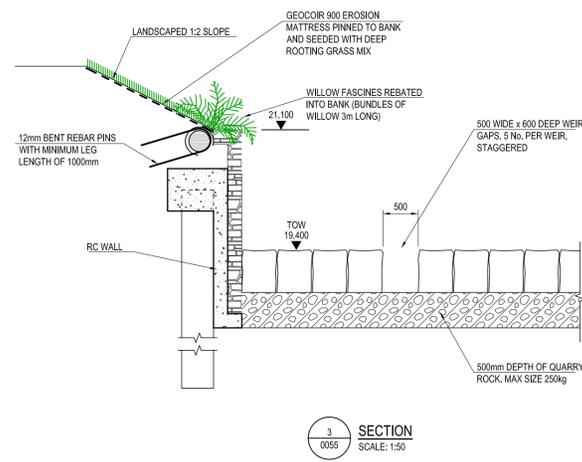
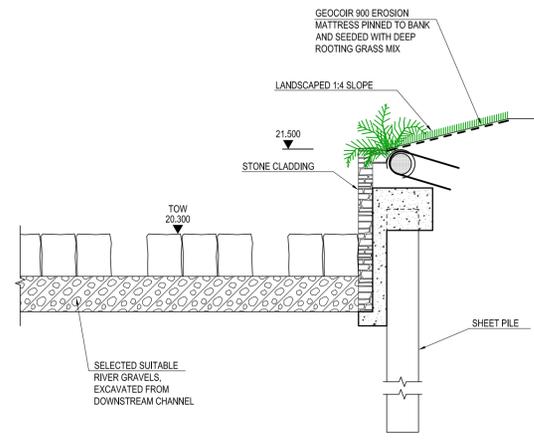
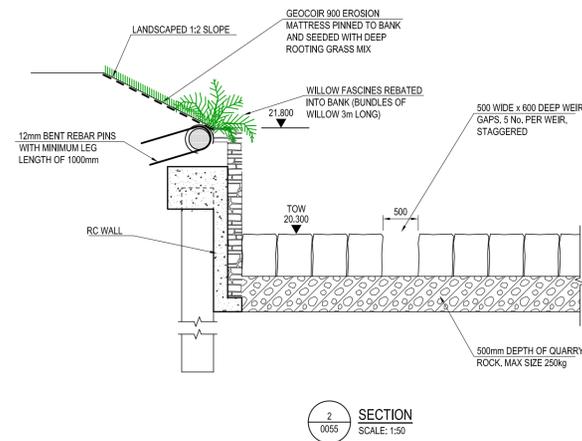
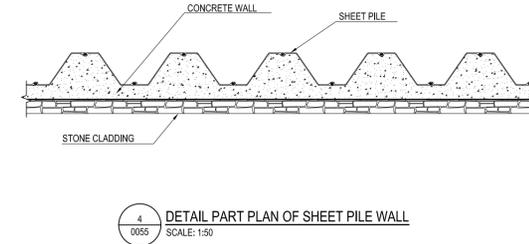
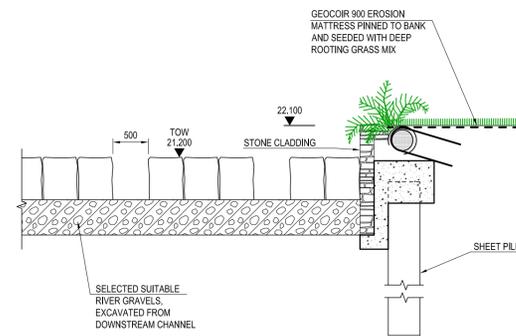
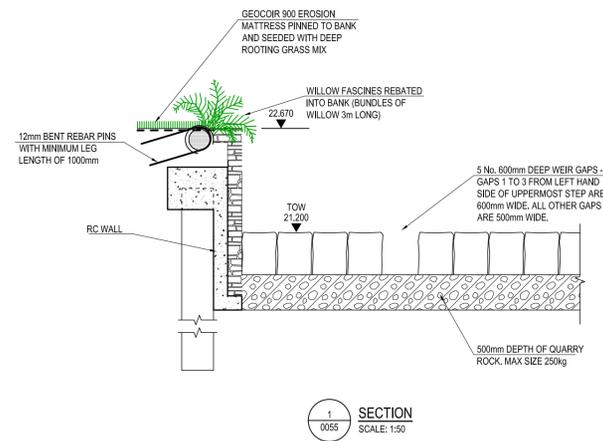
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CONSULTING ENGINEERS

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Tel: 01-295 2321 Fax: 01-295 4541 Email: tjoc@tjoc.ie Web: www.tjoc.ie

PROJECT:	FERMOY WEIR REMEDIATION AND FISH BYPASS CHANNEL		
CLIENT:	CORK COUNTY COUNCIL		
DRAWING TITLE:	PROPOSED FISH BYPASS LONGITUDINAL SECTION		
SCALE:	1:250 [H], 1:50 [V]		(A1)
PROJECT - ORIGINATOR - VOLUME - LOCATION - TYPE - FILE - NUMBER	19011-TJOC-XX-XX-DR-C-0054		REV: P02

NOTES:

- FOR LOCATION OF SECTIONS REFER TO DRAWING 0053.
- ALL LEVELS ARE IN METERS ABOVE ORDINANCE DATUM MALIN HEAD



P02	S3	ISSUED FOR REVIEW AND COMMENT	10.12.2021
P01	S2	ISSUED FOR INFORMATION	22.06.2021

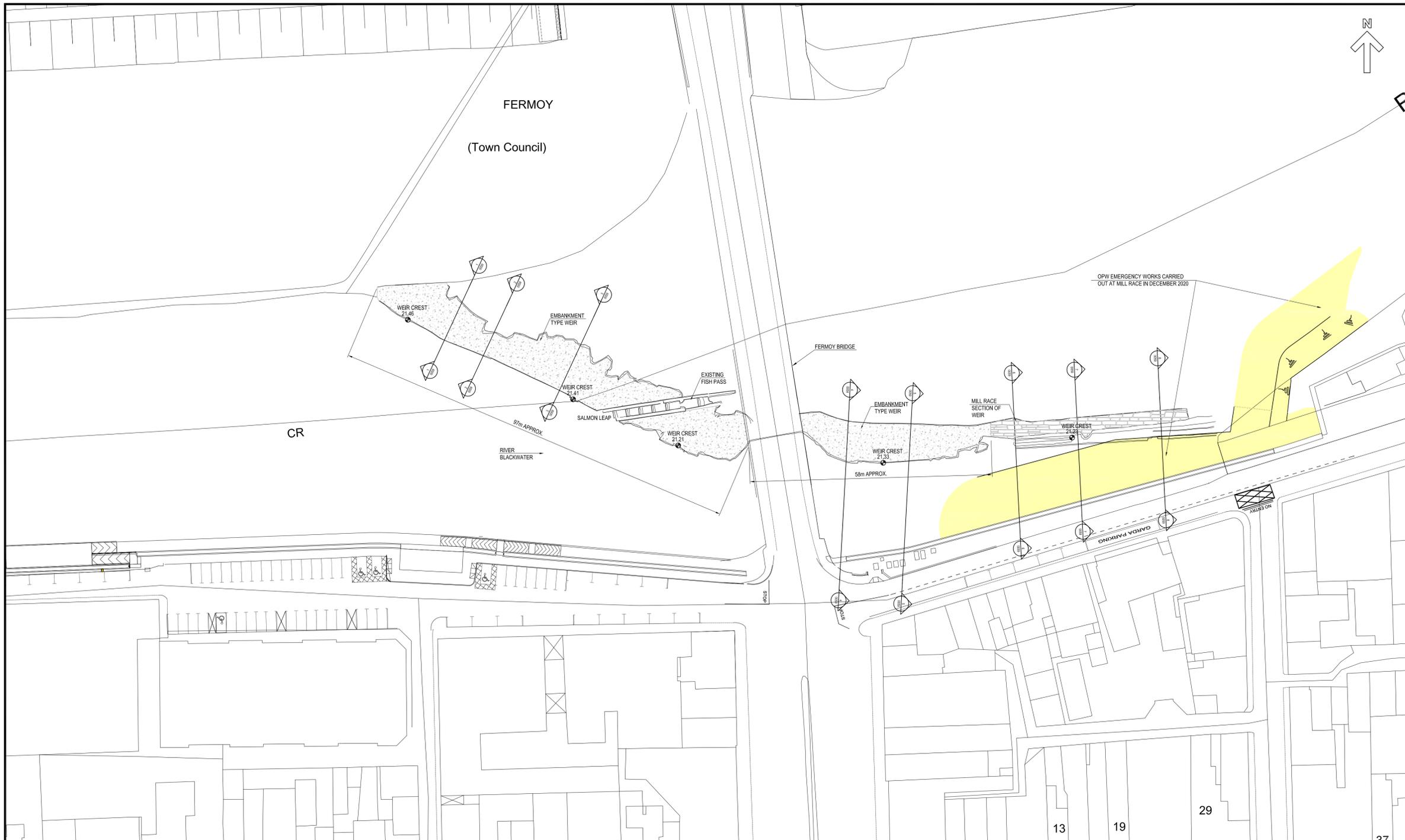
REV	STAT	DESCRIPTION	DATE
DRAWING STATUS: ISSUED FOR REVIEW AND COMMENT			
CHECKED BY:	LC	REVIEWED BY:	MV
		APPROVED BY:	DC

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PROJECT:	FERMOY WEIR REMEDIATION AND FISH BYPASS CHANNEL		
CLIENT:	CORK COUNTY COUNCIL		
DRAWING TITLE:	FISH BYPASS SECTIONS		
SCALE:	1:50		(A1)
PROJECT - ORIGINATOR - VOLUME - LOCATION - TYPE - FILE - NUMBER	19011-TJOC-XX-XX-DR-C-0055		REV: P02



- NOTES:**
- EXTENT OF EXISTING WEIR BASE ON TOPOGRAPHICAL SURVEY UNDERTAKEN BY MURPHY GEOSPACIAL IN AUGUST 2018.
 - FOR SECTIONS THROUGH EXISTING WEIR REFER TO DRAWING 0059.

APPROXIMATE EXTENT OF BED STABILISATION WORKS UNDERTAKEN BY THE OPW IN 2020



P03	S3	ISSUED FOR REVIEW AND COMMENT	10.12.2021
P02	S1	ISSUED FOR INFORMATION	22.06.2021
P01	S1	ISSUED FOR INFORMATION	11.03.2021

REV	SUIT	DESCRIPTION	DATE
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PROJECT: FERMOY EMBANKMENT WEIR REMEDIATION AND FISH BYPASS CHANNEL

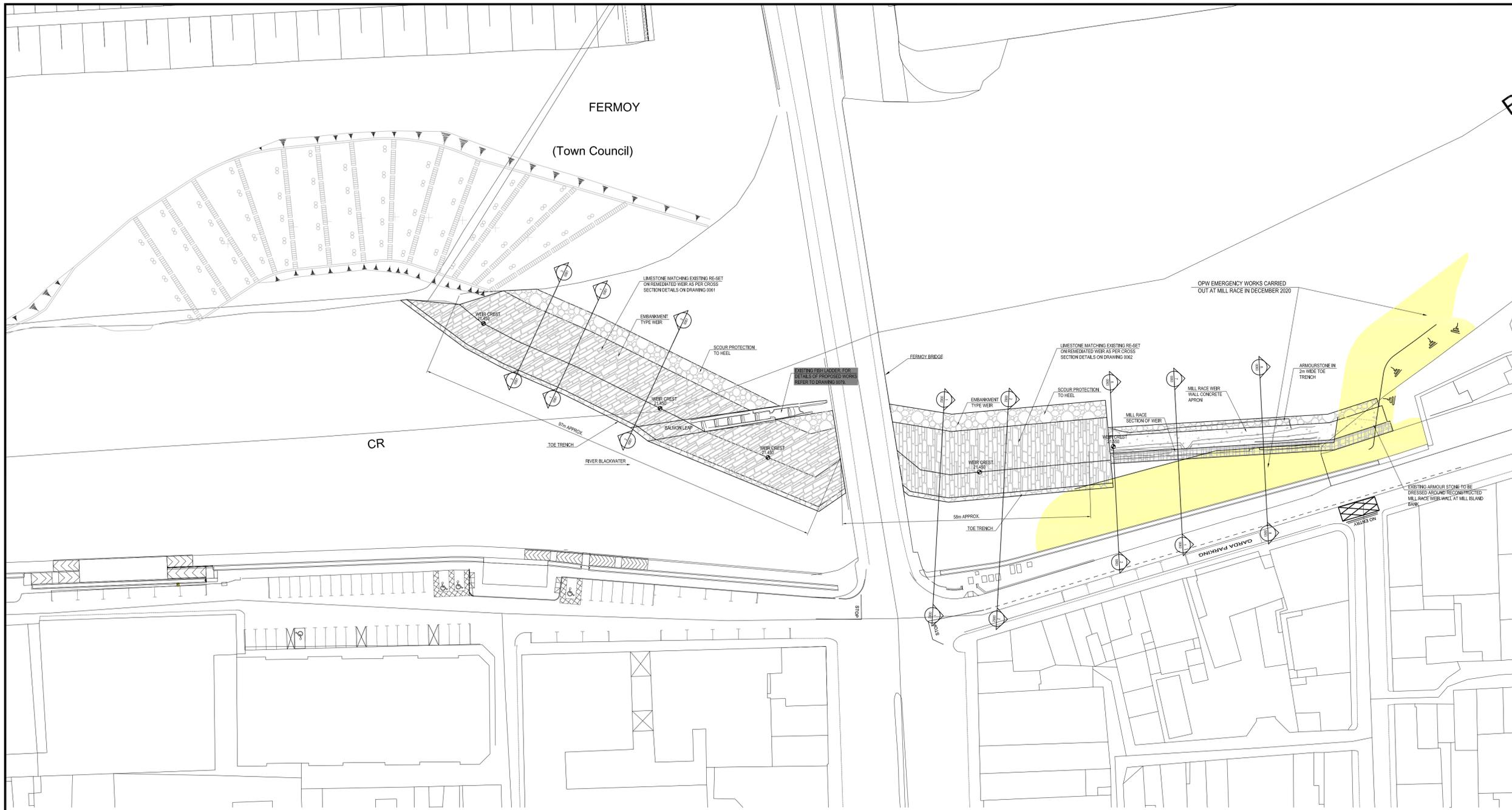
CLIENT: CORK COUNTY COUNCIL

DRAWING TITLE: WEIR REMEDIATION PLAN OF EXISTING WEIR

SCALE: 1:500 (A1)

<small>PROJECT - ORIGINATOR - VOLUME - LOCATION - TYPE - ROLE - NUMBER</small> 19011-TJOC-PL-XX-DR-C-0058	REV: P03
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MAP REPRODUCED BY PERMISSION OF
ORDNANCE SURVEY IRELAND
(CORK CCMA 9802)



NOTES:

1. FOR SECTIONS THROUGH PROPOSED EMBANKMENT WEIR REFER TO DRAWINGS 0061 AND 0062.
2. FOR SECTIONS THROUGH PROPOSED MILL RACE WEIR REFER TO DRAWING 0063.
3. ALL LEVELS ARE IN METRES ABOVE ORDNANCE DATUM MALIN HEAD.
4. WEIR REMEDIATION SHALL BE UNDERTAKEN IN ACCORDANCE WITH THE CONSERVATION ENGINEER'S RECOMMENDATIONS.

APPROXIMATE EXTENT OF BED STABILISATION WORKS UNDERTAKEN BY THE OPW IN 2020

MAP REPRODUCED BY PERMISSION OF
ORDNANCE SURVEY IRELAND
(CORK CCMA 9802)

P02	S3	ISSUED FOR REVIEW AND COMMENT	10.12.2021
P01	S1	ISSUED FOR INFORMATION	22.06.2021

REV	SUIT	DESCRIPTION	DATE
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DRAWING STATUS: ISSUED FOR REVIEW AND COMMENT

CHECKED BY: LC	REVIEWED BY: MV	APPROVED BY: DC
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PROJECT: FERMOY EMBANKMENT WEIR REMEDIATION AND FISH BYPASS CHANNEL
CLIENT: CORK COUNTY COUNCIL

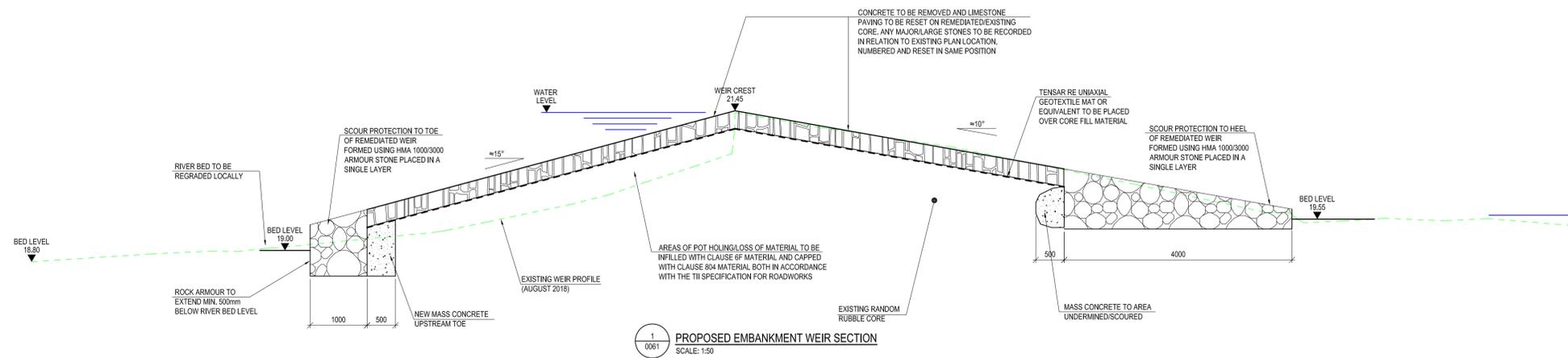
DRAWING TITLE: WEIR REMEDIATION PLAN OF PROPOSED WEIR

SCALE: 1:500 (A1)

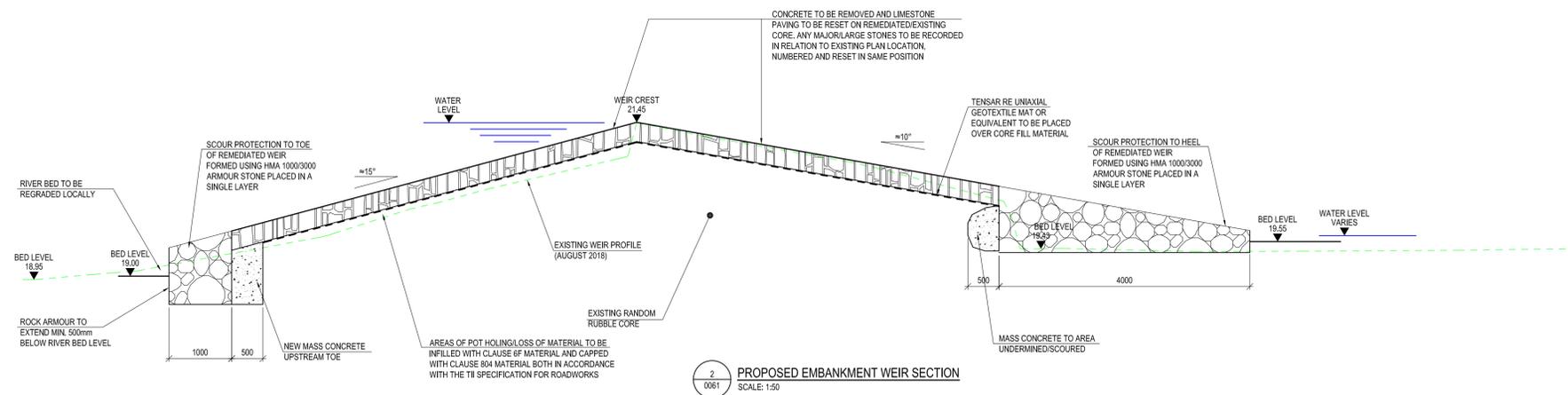
PROJECT - ORIGINATOR - VOLUME - LOCATION - TYPE - ROLE - NUMBER
19011-TJOC-PL-XX-DR-C-0060 P02

NOTES:

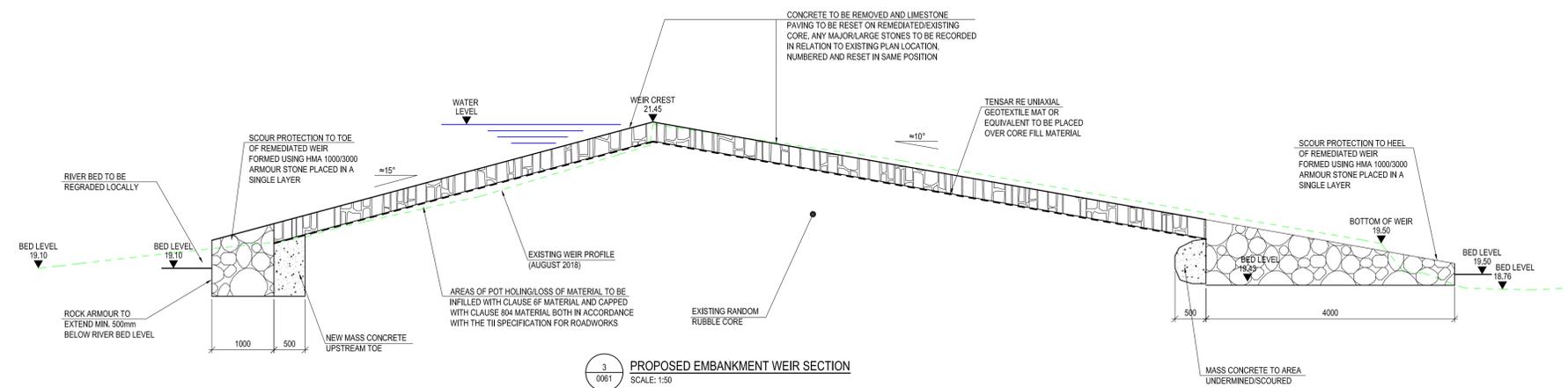
1. ALL LEVELS SHOWN ARE IN METERS ABOVE ORDNANCE DATUM, MALIN HEAD.
2. FOR LOCATIONS OF SECTIONS REFER TO DRAWING 0060.
3. THIS DRAWING SHALL BE READ IN CONJUNCTION WITH SURVEY DRAWINGS OF EXISTING WEIR STRUCTURE AND WITH SECTION DRAWINGS 0062 AND 0063.
4. WEIR REMEDIATION SHALL BE UNDERTAKEN IN ACCORDANCE WITH THE CONSERVATION ENGINEER'S RECOMMENDATIONS.



1
0061
PROPOSED EMBANKMENT WEIR SECTION
SCALE: 1:50



2
0061
PROPOSED EMBANKMENT WEIR SECTION
SCALE: 1:50



3
0061
PROPOSED EMBANKMENT WEIR SECTION
SCALE: 1:50

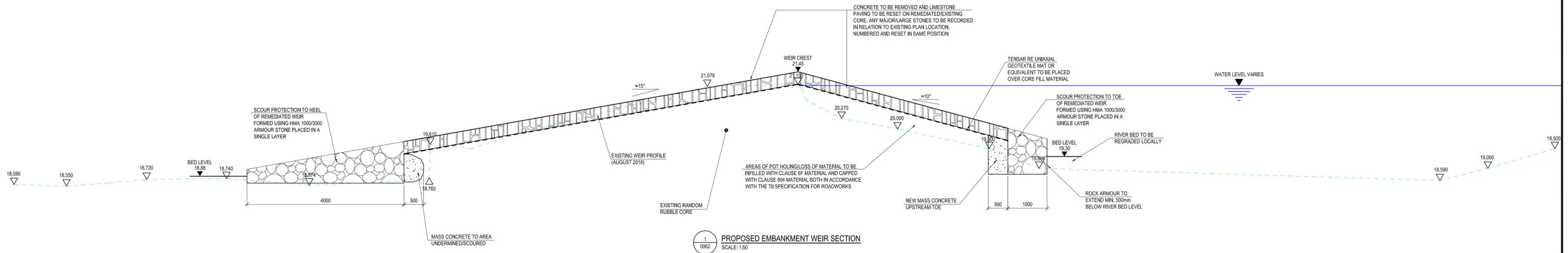
P02	S3	ISSUED FOR REVIEW AND COMMENT	10.12.2021
P01	S1	ISSUED FOR INFORMATION	22.06.2021

REV	SUIT	DESCRIPTION	DATE
DRAWING STATUS: ISSUED FOR REVIEW AND COMMENT			
CHECKED BY:	LC	REVIEWED BY:	MV
APPROVED BY:	DC		

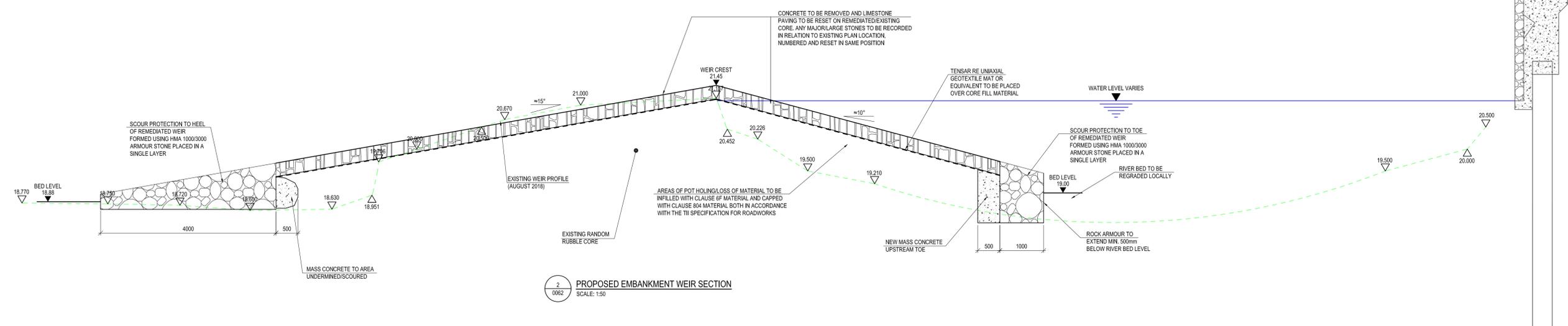
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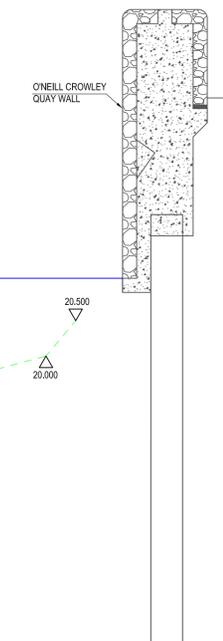
PROJECT:	FERMOY WEIR REMEDIATION AND FISH BYPASS CHANNEL		
CLIENT:	CORK COUNTY COUNCIL		
DRAWING TITLE:	WEIR REMEDIATION PROPOSED SECTIONS		
SCALE:	AS SHOWN		(A1)
PROJECT - ORIGINATOR - VOLUME - LOCATION - TYPE - ROLE - NUMBER	19011-TJOC-PL-XX-DR-C-0061		REV: P02



1
0062
PROPOSED EMBANKMENT WEIR SECTION
SCALE: 1:50

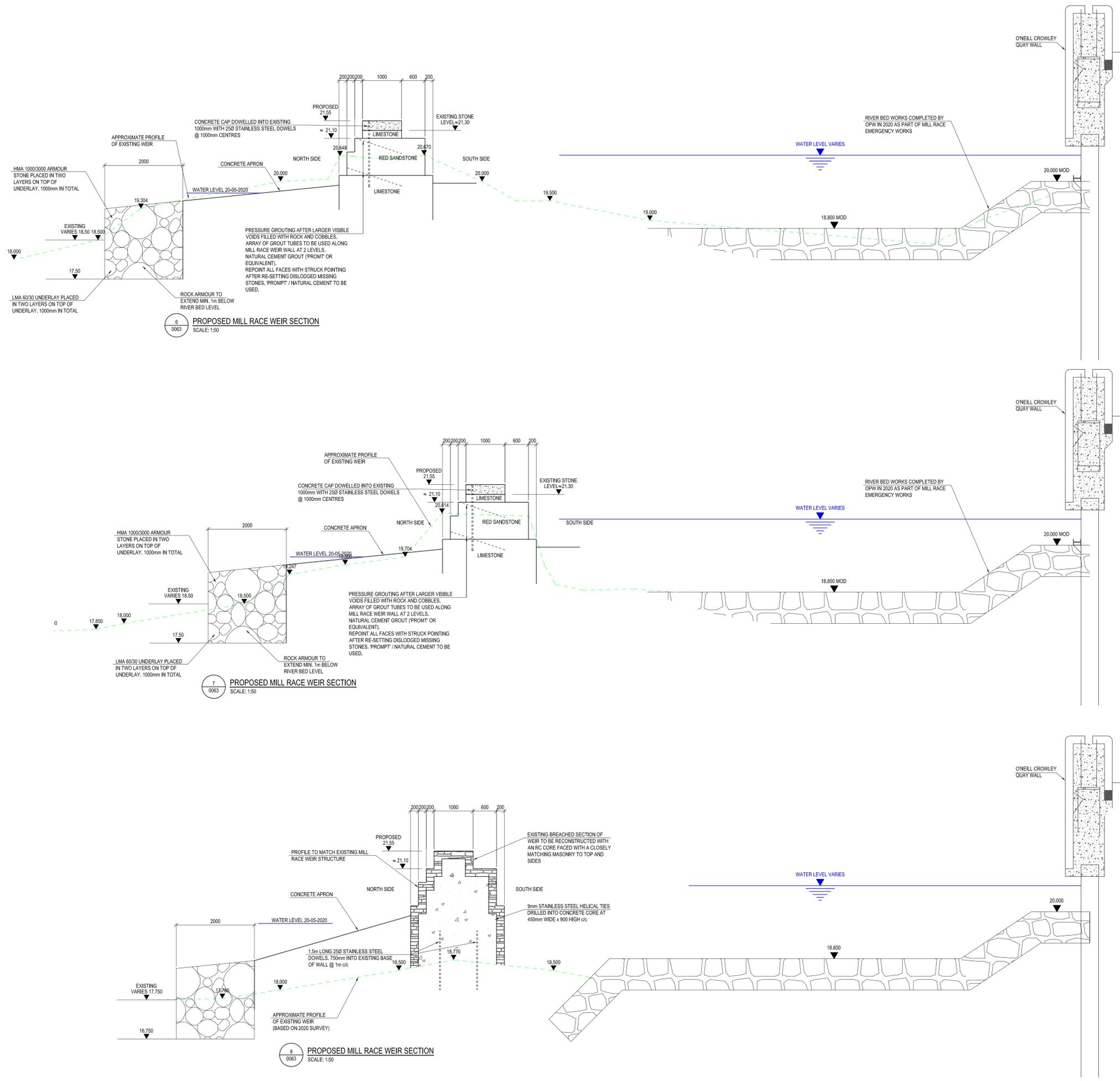


2
0062
PROPOSED EMBANKMENT WEIR SECTION
SCALE: 1:50



- NOTES:
1. ALL LEVELS SHOWN ARE IN METERS ABOVE ORDNANCE DATUM, MALIN HEAD.
 2. FOR LOCATIONS OF SECTIONS REFER TO DRAWING 0060.
 3. THIS DRAWING SHALL BE READ IN CONJUNCTION WITH SURVEY DRAWINGS OF EXISTING WEIR STRUCTURE AND WITH SECTION DRAWINGS 0061 AND 0063.
 4. WEIR REMEDIATION SHALL BE UNDERTAKEN IN ACCORDANCE WITH THE CONSERVATION ENGINEER'S RECOMMENDATIONS.

REV	SUIT	DESCRIPTION	DATE
P02	S3	ISSUED FOR REVIEW AND COMMENT	10.12.2021
P01	S1	ISSUED FOR INFORMATION	22.06.2021
DRAWING STATUS:			ISSUED FOR REVIEW AND COMMENT
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PROJECT: FERMOY WEIR REMEDIATION AND FISH BYPASS CHANNEL			
CLIENT: CORK COUNTY COUNCIL			
DRAWING TITLE: WEIR REMEDIATION PROPOSED SECTIONS			
SCALE: AS SHOWN			(A1)
PROJECT - ORIGINATOR - VOLUME - LOCATION - TYPE - ROLE - NUMBER			REV:
19011-TJOC-PL-XX-DR-C-0062			P02



- NOTES:**
- ALL LEVELS SHOWN ARE IN METERS ABOVE ORDANCE DATUM, MALIN HEAD.
 - FOR LOCATIONS OF SECTIONS REFER TO DRAWING 0060.
 - THIS DRAWING SHALL BE READ IN CONJUNCTION WITH SURVEY DRAWINGS OF EXISTING WEIR STRUCTURE AND WITH SECTION DRAWINGS 0061 AND 0062.
 - WEIR REMEDIATION SHALL BE UNDERTAKEN IN ACCORDANCE WITH THE CONSERVATION ENGINEER'S RECOMMENDATIONS.

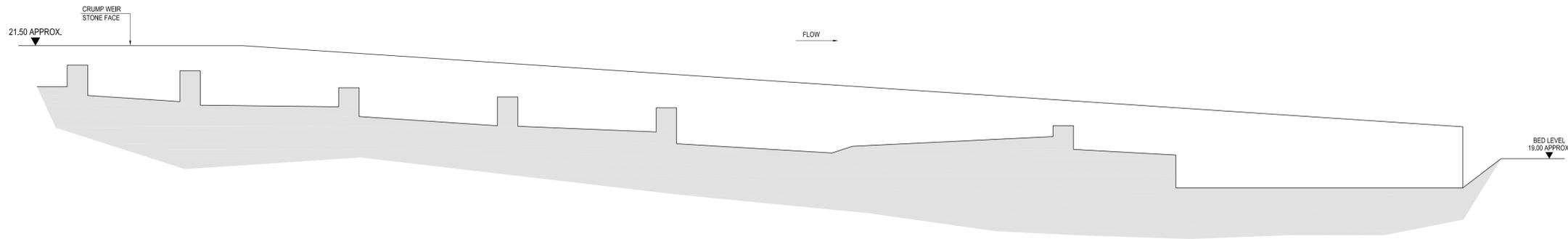
PO2	S3	ISSUED FOR REVIEW AND COMMENT	10.12.2021
PO1	S1	ISSUED FOR INFORMATION	22.06.2021

REV	SUIT	DESCRIPTION	DATE
DRAWING STATUS: ISSUED FOR REVIEW AND COMMENT			
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APPROVED BY:		DC	

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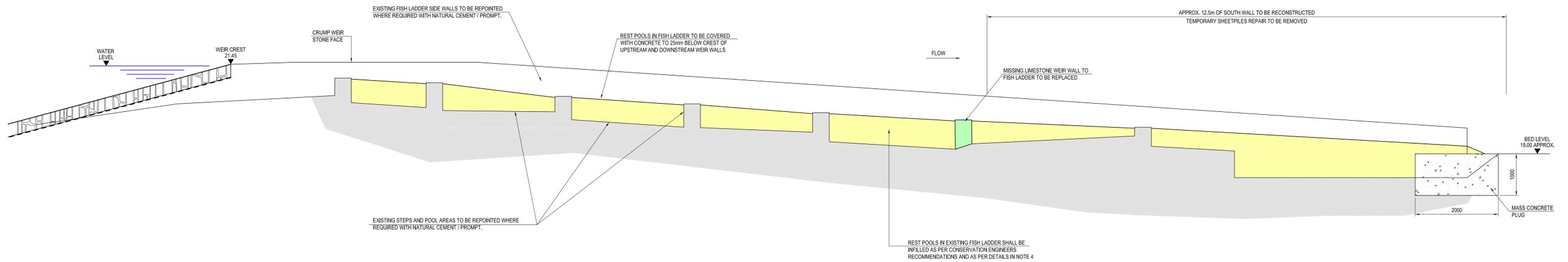
PROJECT:	FERMOY WEIR REMEDIATION AND FISH BYPASS CHANNEL		
CLIENT:	CORK COUNTY COUNCIL		
DRAWING TITLE:	WEIR REMEDIATION PROPOSED SECTIONS		
SCALE:	AS SHOWN		(A1)
PROJECT - ORIGINATOR - VOLUME - LOCATION - TYPE - ROLE - NUMBER	19011-TJOC-PL-XX-DR-C-0063		REV: P02



1
0081 EXISTING FISH LADDER SECTION
SCALE: 1:50

NOTES:

1. ALL WORKS CARRIED OUT IN THE RIVER AND TO THE FISH PASS TO BE AGREED WITH INLAND FISHERIES IRELAND PRIOR TO COMMENCEMENT OF THE WORKS.
2. WORKS IN THE RIVER WILL ONLY BE PERMITTED BETWEEN THE BEGINNING OF AUGUST TO MID SEPTEMBER IN ACCORDANCE WITH INLAND FISHERIES IRELAND GUIDELINES.
3. PROPOSED REMEDIAL WORK DETAILS AS PER CONSERVATION ENGINEER, TREVOR WOODS CONSULTING ENGINEERS, DETAILS.
4. COVERING
DPM 1500 GAUGE TO BE LAID UP PASS INSIDE WALLS OVER BASE AND LAPPED MINIMUM 1m BETWEEN SHEETS / JOINTS.
TYPE OF FILL WITHIN 300mm EXISTING CAPPING.
150mm CLAUSE 804 BLINDED WITH LEAN MIX CONCRETE.
150mm CONCRETE SLAB (FIBRE MESH POLYPROPYLENE FIBRES)
SURFACE TO BE STAMPED WITH RANDOM STONE PATTERN.
5. ALL LEVELS AS PER MURPHY SURVEYS 2018 SURVEY OF WEIR STRUCTURE.
6. EXISTING FISH LADDER SHALL BE INFILLED IN ORDER TO AVOID WHITE WATER CREATED BY THE STEPS IN THE LADDER ATTRACTING FISH FROM DOWNSTREAM OF THE WEIR.



2
0081 PROPOSED FISH LADDER SECTION
SCALE: 1:50

P03	S3	ISSUED FOR REVIEW AND COMMENT	10.12.2021
P02	S2	ISSUED FOR INFORMATION	22.06.2021
P01	S2	ISSUED FOR INFORMATION	11.03.2021

REV	STAT	DESCRIPTION	DATE
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DRAWING STATUS:
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Tel: 01-295 2321 Fax: 01-295 4541 Email: tjoc@tjoc.ie Web: www.tjoc.ie

PROJECT: FERMOY WEIR REMEDIATION AND FISH BYPASS CHANNEL
CLIENT: CORK COUNTY COUNCIL
DRAWING TITLE: EXISTING FISH LADDER REMEDIATION DETAILS - SHEET 2

SCALE: AS SHOWN (A1)

PROJECT - ORIGINATOR - VOLUME - LOCATION - TYPE - ROLE - NUMBER 190080-TJOC-PL-XX-DR-C-0081	REV: P03
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Comhairle Contae Chorcaí Cork County Council



Planning and Development Act 2000 (as amended) – Part XI Planning and Development Regulations 2001 (as amended) – Part 8

Fermoy Weir Remediation and Fish Bypass channel

ENVIRONMENTAL IMPACT ASSESSMENT (EIA) SCREENING DETERMINATION

Cork County Council is proposing to undertake remediation works to the existing weir in Fermoy. The works will include the following:

- reconstruction of breached sections of the weir and
- the construction of a rough channel pool bypass to provide for fish passage around the weir.

Site location

The site of the proposed development is located in the vicinity of Fermoy Bridge on the River Blackwater in the town of Fermoy. The weir extends from the northern bank of the river on the west side of the bridge, through the second arch from the south bank and continues east of the bridge towards a tie in with the apex of Mill Island.

The weir and the adjacent limestone quay wall at O'Neill Crowley Quay are included in the Fermoy Record of Protected Structures in the Fermoy Development Plan (2009) (Registration No. 02 River Blackwater -Weir (sic) and Limestone Quay Wall).

Currently, there is a large section of the gravity wall type weir which has collapsed resulting in a breach in the weir. The OPW undertook emergency riverbed stabilisation works in the autumn of 2020 to mitigate against the excessive scour that was occurring as a result of the high velocities through the breach.

Works in summary

The weir remediation works can be divided into two different elements which comprise the remediation of the upstream section of the weir, including the existing fish ladder incorporated in the weir, and the downstream section of the weir. The weir is categorised as a rubble embankment (or Crump) type weir upstream of the bridge and extending for a distance of 37m

east of Fermoy bridge. The remaining section of the weir, extending eastwards, is a gravity wall type weir (referred to as the Mill Race weir wall section). It is this section that has been breached.

Requirement for Environmental impact Assessment

The purpose of this report is to identify whether there is a need under the Planning and Development Act 2000, as amended, for an EIA of the proposed development.

Schedule 5 (Parts 1 and 2) of the Planning and Development Regulations lists the groups of development projects which are subject to EIA screening under the EIA Directive 2011/92/EU, as amended by Directive 2014/52/EU. Part 1 lists those projects which are automatically subject to an EIA due to the scale and nature of the project. Part 2 lists projects which are also likely to have significant environmental effects based on the nature and size of the development set out by threshold criteria.

An Environmental Impact Assessment Screening report on this project has been prepared. Section 3 of this screening report details the legislative background to the Environmental Impact Assessment process and assesses the requirement for the works proposed to be subject to an Environmental Impact Assessment.

In relation to the types of projects listed in Schedule 5 Part 1 of the Planning and Development Regulations in respect of which mandatory Environmental Impact Assessment is required, it is considered that the works to be undertaken do not fall into a class of development set out therein.

In relation to the projects listed in Schedule 5 part 2, the project was considered in light of the classes of development set out therein. Of particular relevance were the provisions of Class 10 (f)(i) and (ii) and Class 10(g).

The works to be undertaken do not constitute the construction of an inland waterway or a flood relief scheme. The works will not result in the impounding of water in a new or an extended area of 30 hectares or more.

It should be noted that Under Plan Reg No 19/4958, Cork County Council considered an application for the demolition of a weir at Clondulane, c 5kms downstream of Fermoy Weir. When considering the requirement for an Environmental Impact Assessment for said works, Cork County Council determined that an Environmental Impact Assessment was not required under legislation having regard to the type of development proposed.

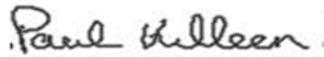
Consideration was also given to RL3413. This was a referral to An Bord Pleanala, which considered whether the partial removal of a weir is or is not development or is or is not exempted development. In this referral, An Bord Pleanala considered that the partial removal of the weir on the River Glashaboy was exempted development having regard to Class 35, Part 1, Schedule 2 of the Planning and Development Regulations, 2001. It is noted that under Article 9 of the

Regulations, development to which article 6 relates shall not be exempted development for the purposes of the Act if it is development to which Part 10 (Environmental Impact Assessment) applies. When considering this referral, An Bord Pleanála did not address the issue of the requirement for an EIA. It can be inferred that ABP did not consider that the works to the weir constituted a class of development to which the provisions of Class 10 or the restrictions set out in Article 9 applied.

Conclusion

The proposed weir remediation works and provision of fish pass does not involve a class of development set out in Parts 1 and 2 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended). Accordingly, there is no requirement for the applicant (Cork County Council) to submit an Environmental Impact Assessment Report in respect of this project.

It is understood that an Appropriate Assessment is required and that a Nature Impact Statement will be prepared. ABP will therefore be the Competent Authority in relation to this proposed development.



Paul Killeen
Executive Planner
31st of March 2022

Noel Sheridan
A/Senior Planner
31st March 2022