

17TH JULY, 2019

**SCREENING FOR APPROPRIATE ASSESSMENT OF SPECIFIC WORKS ASSOCIATED WITH 'LOT 1 – NORTH WEST
BRIDGES TERM MAINTENANCE CONTRACT NO. 3'**

REASONED DETERMINATION

Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations, 2011 ('the Habitats Regulations') states, *inter alia*, 'A screening for Appropriate Assessment of a [...] project [...] which a public authority wishes to undertake [...] shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that [...] project, individually or in combination with other plans or projects is likely to have significant effects on the European site.'¹ Regulation 42(2) of the Habitats Regulations states 'A public authority shall carry out a screening for Appropriate Assessment under paragraph (1) before [...] a decision to undertake [...] a project is taken.'² Having taken the view that the works required under 'Lot 1 – North West Bridges Term Maintenance Contract No. 3' might constitute 'projects'³ within the meaning of the Habitats Regulations, Transport Infrastructure Ireland⁴ (TII) decided that the works required under the contract should be subject to screening for Appropriate Assessment pursuant to, *inter alia*, Regulation 42 of the Habitats Regulations and Article 6(3) of the Habitats Directive.⁵ Mr. Michael Nolan (Chief Executive of Transport Infrastructure Ireland) delegated the function of screening for Appropriate Assessment to me, Dr. Vincent O'Malley, Head of Environmental Policy and Compliance Section, Transport Infrastructure Ireland, on the 21st of June, 2018.

¹ Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. No. 477 of 2011).

² Regulation 42(2) of the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. No. 477 of 2011).

³ Regulation 2(1) of the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. No. 477 of 2011) defines 'project' to include 'land use or infrastructural developments, including any development of land or on land.' Given the breadth of the term 'project' under the Habitats Regulations, Transport Infrastructure Ireland is uncertain as to whether or not works required under 'Lot 1 – North West Bridges Term Maintenance Contract No. 3' constitute 'projects'. It notes, however, that Section 3(1) of the Planning and Development Act, 2000, defines 'development' to include '[...] the carrying out of any works on, in, over, or under land [...]' and that Section 2(1) of the Planning and Development Act, 2000 defines 'works' to include '[...] any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal [...]'. As such, Transport Infrastructure Ireland acknowledges that works required under 'Lot 1 – North West Bridges Term Maintenance Contract No. 3' might constitute 'projects' within the meaning of the Habitats Regulations.

⁴ Article 2 of the Roads Act 2015 (Operational Name of National Roads Authority) Order, 2015 (S.I. No. 297 of 2015) provides that the National Roads Authority may describe itself as Transport Infrastructure Ireland for operational purposes.

⁵ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [1992] OJ L 206.

In performing this screening for Appropriate Assessment, I had regard, *inter alia*, to information contained in the following document:

- CN170719_NW Bridges_2019_AA Screening_FINAL_Atkins_Second Round.xls (first prepared by Atkins Limited and to which Ove Arup and Partners Ireland Limited and the Environmental Policy and Compliance Section of TII have added comments).

In performing this screening for Appropriate Assessment I also met and discussed with various members of staff from TII (e.g., from the legal, structures and environmental sections); Ove Arup and Partners Ireland Limited (engaged to provide ecological services to TII in relation to this screening); and, the consultant engaged by TII to prepare and administer the contract (including the consultant's ecological expert).

The specific works that I screened for Appropriate Assessment were the works detailed in CN170719_NW Bridges_2019_AA Screening_FINAL_Atkins_Second Round.xls, which I am advised and believe to be the works required under the contract in Year 2 of its duration.

Having performed screening for Appropriate Assessment in respect of the specific works detailed in CN170719_NW Bridges_2019_AA Screening_FINAL_Atkins_Second Round.xls, I accept the recommendations of Atkins Limited that the Year 2 works proposed on the structures specifically listed in the table below, individually or in combination with other plans or projects, would not be likely to have a significant effect on any European site in view of the best scientific knowledge and the site's conservation objectives. I determine that an Appropriate Assessment of these proposed works is not required, as *it can be excluded* on the basis of objective scientific information following the screening done that the proposed works, individually or in combination with other plans or projects, will have a significant effect on any European site.



Dr. Vincent O'Malley

Head of the Environmental Policy and Compliance Section

Transport Infrastructure Ireland

Structure_ID	Structure_Name	TII Determination
CN-N03-003.00	Erne Bridge	Agree
CN-N03-017.00	Virginia Bridge	Agree
CN-N87-018.01	Ballyconnell Footbridge	Agree
LM-N04-011.00	Drumod More Railway Bridge	Agree
LM-N15-001.00	River Drowes Bridge	Agree
LM-N16-007.00	Curley Bridge	Agree
LM-N16-010.00	Owenmore River Bridge	Agree
LM-N16-011.00	Cornstauk Bridge	Agree
RN-N60-005.00	Meelickaduff Railway Bridge	Agree
RN-N61-011.00	Curraghlaher Railway Bridge	Agree

Structure_ID	Structure_Name	TII Determination
RN-N63-005.20	Anrittabeg Bridge	Agree
RN-N63-006.00	Lanesborough Bridge	Agree
RN-N83-001.00	Cloonfad Village Bridge	Agree
GC-N17-001.00	Gortnagunned Bridge	Agree
GC-N17-010.00	Claregalway Bridge	Agree
GC-N18-002.00	Clarín Bridge	Agree
GC-N59-002.00	Leenan Bridge	Agree
GC-N59-011.00	Dawros River Bridge	Agree
GC-N59-020.00	Killymongaun Bridge	Agree
GC-N59-022.00	Lettershea Bridge no.2	Agree

Structure_ID	Structure_Name	TII Determination
GC-N59-023.00	Emlaghdauroe Bridge	Agree
GC-N59-024.00	Lettery Bridge	Agree
GC-N59-026.00	Canal Bridge	Agree
GC-N59-028.00	Recess Bridge	Agree
GC-N59-029.00	Caher Bridge	Agree
GC-N59-030.00	Derryneen Bridge	Agree
GC-N59-031.00	Cloonoppeen Bridge	Agree
GC-N59-037.00	Ardderry Lough Bridge	Agree
GC-N59-039.00	Glengowla Bridge	Agree
GC-N59-040.00	Oughterard Bridge	Agree

Structure_ID	Structure_Name	TII Determination
GC-N65-005.00	Ballydavid Bridge	Agree
GC-N65-009.00	Portumna Bridge No. 1	Agree
GC-N83-004.00	Dunmore Bridge	Agree
MO-N05-001.00	James Street Bridge	Agree
MO-N05-002.00	Bridge Street Bridge	Agree
MO-N05-010.00	Toormore River Bridge	Agree
MO-N05-018.00	Gweestion River Bridge	Agree
MO-N05-019.00	Trimoge Bridge	Agree
MO-N05-030.00	Mullaghanoe River Bridge	Agree
MO-N05-032.00	Ballyglass East Culvert	Agree

Structure_ID	Structure_Name	TII Determination
MO-N26-011.00	Swinford Rail Bridge	Agree
MO-N59-004.00	Jack Garret Bridge	Agree
MO-N59-044.00	Newport Bridge	Agree
MO-N59-061.00	Erriff Bridge	Agree
MO-N59-062.00	Luga Buide Bridge	Agree
MO-N60-010.00	Cuilbeg Rail Bridge	Agree
MO-N60-013.00	Iarnrod Eireann Bridge No.18	Agree
MO-N84-009.00	Castlebar Railway Station Bridge	Agree
SO-N17-001.00	Collooney Railway Bridge	Agree
SO-N59-000.30	Belladrihid River Bridge	Agree

Structure_ID	Structure_Name	TII Determination
SO-N59-001.00	Ballysadare Railway Bridge	Agree
DL-N13-010.00	Bridge End	Agree
DL-N15-010.00	Keadew Bridge	Agree
DL-N15-011.00	Barnes Old School Bridge	Agree
DL-N15-012.00	Druminnin Bridge	Agree
DL-N15-030.00	Moy roadbridge	Agree
DL-N15-034.00	Kinlough roadbridge	Agree
DL-N56-025.00	Ardara Bridge	Agree
DL-N56-028.00	Glenties Bridge	Agree
DL-N56-031.60	Mulnamin Culvert	Agree

Structure_ID	Structure_Name	TII Determination
DL-N56-032.00	Gweebarra Burn Bridge	Agree
DL-N56-035.00	Cloghbolie Bridge	Agree
DL-N56-036.00	Owennamarve Bridge	Agree
DL-N56-039.00	Altcrin Bridge	Agree
DL-N56-042.00	Hydro Race Bridge	Agree
DL-N56-043.00	Loch Nacung Bridge	Agree
DL-N56-044.00	Meenacung Bridge	Agree
DL-N56-047.00	Bellina Bridge	Agree
DL-N56-050.30	Castlebane Bridge	Agree
DL-N56-051.00	Derryart Bridge	Agree

Structure_ID	Structure_Name	TII Determination
DL-N56-053.00	Lough Nattooey Bridge	Agree
DL-N56-055.00	Owencarrow River Bridge	Agree
DL-N56-057.00	Termon Bridge	Agree
DL-N56-058.00	Procklis Bridge	Agree
DL-N56-059.00	Lurgy Bridge	Agree