

18<sup>TH</sup> OF MAY 2020

**SCREENING FOR APPROPRIATE ASSESSMENT OF SPECIFIC WORKS ASSOCIATED WITH ‘MUNSTER 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.’<sup>1</sup> 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.’<sup>2</sup> Having taken the view that the works required under ‘Munster Bridges – Term Maintenance Contract No. 3’ might constitute ‘projects’<sup>3</sup> within the meaning of the Habitats Regulations, Transport Infrastructure Ireland<sup>4</sup> (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.<sup>5</sup> 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 21<sup>st</sup> of June, 2018.

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

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

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

<sup>3</sup> 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 ‘Munster 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 ‘Munster Bridges – Term Maintenance Contract No. 3’ might constitute ‘projects’ within the meaning of the Habitats Regulations.

<sup>4</sup> 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.

<sup>5</sup> 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.

- *Munster Bridges – Term Maintenance Contract No. 3 – Ecological Assessment* (Atkins Limited, July 2018); and,
- SJP\_280420\_Munster Bridges\_Yr3 (2020)\_CLARE Screening\_Rev 1.xls.<sup>6</sup>

In performing this screening for Appropriate Assessment I also communicated with various members of staff from TII (e.g., from the legal, structures and environmental sections); 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 SJP\_280420\_Munster Bridges\_Yr3 (2020)\_CLARE Screening\_Rev 1.xls, which I am advised and believe to be the routine maintenance works required under the contract in County Clare in year 3 of its duration.

Having performed screening for Appropriate Assessment in respect of the specific works detailed in SJP\_280420\_Munster Bridges\_Yr3 (2020)\_CLARE Screening\_Rev 1.xls, I accept the recommendations of Atkins Limited that the year 3 routine maintenance 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*

<sup>6</sup> The spreadsheet ‘SJP\_280420\_Munster Bridges\_Yr3 (2020)\_CLARE Screening\_Rev 1.xls’ was first prepared by Atkins Limited and provided, amongst other things, the recommendations of Atkins Limited’s ecologist as to whether or not specified works could be ‘screened out’. The Environmental Policy and Compliance Section of TII reviewed the information contained in the spreadsheet and indicated whether or not it agreed with these recommendations.

Bridge ID	Bridge Name	TII Determination
CL-N67-001.00	Burrane Bridge	Screen Out
CL-N67-002.00	Money Point Power Station Bridge	Screen Out
CL-N67-003.00	Ballymacrinan Bay Bridge	Screen Out
CL-N67-009.00	Bealaha Bridge	Screen Out
CL-N67-009.30	Beevrack Culvert	Screen Out
CL-N67-010.00	Doonbeg Bridge 1	Screen Out
CL-N67-011.00	Castle Bridge	Screen Out
CL-N67-012.00	Mountrivers Bridge	Screen Out
CL-N67-013.00	Potters Wheel Bridge	Screen Out
CL-N67-015.00	Kilmurry Bridge	Screen Out
CL-N67-017.00	Cloonbony Bridge	Screen Out
CL-N67-018.00	Fintra Bridge	Screen Out
CL-N67-019.00	Moy River Bridge	Screen Out
CL-N67-020.00	Crag Bridge	Screen Out
CL-N67-021.00	Crag Railway Bridge (disused)	Screen Out
CL-N67-022.00	Michael Conway Bridge	Screen Out
CL-N67-023.00	Calluragh Bridge	Screen Out
CL-N67-024.00	Ballymacravan Bridge	Screen Out
CL-N67-025.00	Drumminnagran Bridge	Screen Out
CL-N67-026.00	Ballydeely Bridge	Screen Out
CL-N67-027.00	Carroweragh Bridge	Screen Out
CL-N67-028.00	Caherkinallia Bridge	Screen Out

Bridge ID	Bridge Name	TII Determination
CL-N67-029.00	Spectacle Bridge	Screen Out
CL-N67-030.00	Lissdoonvarna Bridge	Screen Out
CL-N67-031.00	Ballyneillan Bridge	Screen Out
CL-N67-033.00	Ballyvaghan Bridge	Screen Out
CL-N68-001.00	Goulburn Bridge	Screen Out
CL-N68-002.00	Lack East Bridge	Screen Out
CL-N68-003.00	Ballyduneen Bridge	Screen Out
CL-N68-005.00	Liscasey Bridge East	Screen Out
CL-N68-006.00	Coolderrol Bridge	Screen Out
CL-N68-008.00	Lackennaskagh Bridge	Screen Out
CL-N68-009.00	Rockmount Cross Overbridge	Screen Out
CL-N68-010.00	Aughandayaud Culvert	Screen Out
CL-N85-001.00	River Fergus Underbridge	Screen Out
CL-N85-001.10	Clareabbey Railway Underbridge	Screen Out
CL-N85-001.50	Rockmount Cross Culvert	Screen Out
CL-N85-002.00	Claureen River Underbridge	Screen Out
CL-N85-004.00	Ballyknock Bridge	Screen Out
CL-N85-005.00	Rosconnell Lough Bridge	Screen Out
CL-N85-006.00	Inagh Bridge	Screen Out
CL-N85-007.00	Ballyea Culvert	Screen Out
CL-N85-008.00	Moanreel South Bridge	Screen Out
CL-N85-009.00	Cullenagh Bridge	Screen Out