

10TH OF SEPTEMBER 2020

**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.

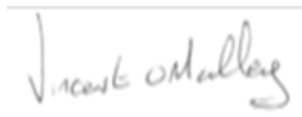
In performing this screening for Appropriate Assessment, I had regard, *inter alia*, to information contained in the following document:

- CN080920_NW Bridges_Clarifications (07.09.20)_1.xls (first prepared by Atkins Limited and to which the Environmental Policy and Compliance Section of TII have added comments).

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 CN080920_NW Bridges_Clarifications (07.09.20)_1.xls, which I am advised and believe to be works required under the contract in Year 3 of its duration in the North-West region.

Having performed screening for Appropriate Assessment in respect of the specific works detailed in CN080920_NW Bridges_Clarifications (07.09.20)_1.xls, I accept the recommendations of Atkins Limited that the proposed Year 3 works specifically listed in the table below on the structures also 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	Applicable Works
RN-N63-005.20	Anrittabeg Bridge	Screened Out	<p>4 Parapets/Safety barrier Removal of vegetation including lvey moss and weeds from all parapet faces including the top and the base (3 m2)</p> <p>5 Embankments/Revetments Vegetation to be removed from 1m strip on embankments adjacent to structure, including bushes and trees stumps (20 m2)</p> <p>6 Wing/Spandrel/Retaining Walls Removal of vegetation from wing walls and spandrel north and south (3 m2)</p>
MO-N59-042.00	Burrishoole Bridge	Screened Out	<p>5 Embankments/Revetments Vegetation up to 1m from the structure to be cut back or removed. (170 m2)</p>
GC-N59-026.00	Canal Bridge	Screened Out	<p>5 Embankments/Revetments Removal of vegetation 1m strip from all embankments (80 m2)</p> <p>6 Wing/Spandrel/Retaining Walls Removal of vegetation from all wing walls and spandrels (2 m2)</p> <p>4 Parapets/Safety barrier Masonry repointing (for crack) on both sides of the parapets to be provided (5 m2)</p> <p>6 Wing/Spandrel/Retaining Walls Masonry repair on coping stones to wingwall dislodged and fallen on embankment below to be reinstated. (1 m3)</p>
DL-N15-004.00	Finn Bridge	Screened Out	<p>4 Parapets/Safety barrier Remove vegetation in both river and road face of the parapets, including moss and tree (100 m2)</p> <p>5 Embankments/Revetments Vegetation removal from embankments. (20 m2)</p> <p>6 Wing/Spandrel/Retaining Walls Removal of vegetation to wingwalls (50 m2)</p> <p>1 Bridge surface Gullies to be cleaned of vegetation and debris.. (4 no)</p> <p>4 Parapets/Safety barrier Masonry repair of the parapet. (1 m3)</p>
DL-N56-001.00	River Eske Bridge	Screened Out	<p>1 Bridge surface Gullies to be cleaned. (4 no)</p> <p>4 Parapets/Safety barrier Minor cracking in parapet to be repaired. (0.01 m2)</p>
DL-N56-032.00	Gweebarra Burn Bridge	Screened Out	<p>5 Embankments/Revetments Vegetation removal from embankments. (7 m2)</p> <p>6 Wing/Spandrel/Retaining Walls remove the vegetation and repointing SW spandrel parapet 30m2 (30 m2)</p>

Structure_ID	Structure_Name	TII Determination	Applicable Works
DL-N56-043.00	Loch Nacung Bridge	Screened Out	<p>5 Embankments/Revetments Vegetation up to 1m from the structure to be cut back or removed. Vegetation mostly consists of grass. (32 m2)</p> <p>1 Bridge surface All gullies to be cleaned. (1 no)</p> <p>4 Parapets/Safety barrier Repointing of NE parapet after removal of vegetation (10 m2)</p> <p>4 Parapets/Safety barrier reconstruction of NE parapet 0.5m3 (0.5 m3)</p>
DL-N56-053.00	Lough Natooley Bridge	Screened Out	<p>4 Parapets/Safety barrier Removal of vegetation at river face of parapet (60 m2)</p> <p>5 Embankments/Revetments Vegetation up to 1m from the structure to be cut back or removed. (12 m2)</p> <p>6 Wing/Spandrel/Retaining Walls Vegetation removal at spandrel wall 4 small tree removals at spandrel wall circa 15cm diameter (15 m2)</p> <p>6 Wing/Spandrel/Retaining Walls Vegetation removal to the wingwalls (75 m2)</p> <p>4 Parapets/Safety barrier Masonry repointing at external face of parapet following the vegetation clearance (25 m2)</p> <p>6 Wing/Spandrel/Retaining Walls Repointing of masonry at wingwalls (80 m2)</p>