

6TH APRIL 2021

**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 (the former 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. Mr. Peter Walsh (the current Chief Executive) subsequently confirmed this arrangement after taking office.

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.

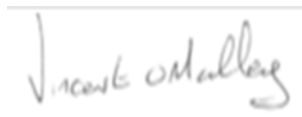
In performing this screening for Appropriate Assessment, I had regard, *inter alia*, to information contained in the following document:

- GHC16032021_NW Bridges_Yr4_Sligo Rev 1.0 .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 GHC16032021_NW Bridges_Yr4_Sligo Rev 1.0.xls, which I am advised and believe to be the works required under the contract in Year 4 of its duration in County Sligo.

Having performed screening for Appropriate Assessment in respect of the specific works detailed in GHC16032021_NW Bridges_Yr4_Sligo Rev 1.0.xls, I accept the recommendations of Atkins Limited that the Year 4 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 Decision
SO-N04-001.00	Michael Hughes Bridge	Screened Out
SO-N04-001.30	Caltragh Bridge	Screened Out
SO-N04-001.50	Tonafortes Bridge	Screened Out
SO-N04-001.60	Tonafortes Slip road bridge	Screened Out
SO-N04-001.90	Ballydrehid Interchange River Bridge	Screened Out
SO-N04-002.00	Ballydrehid River Bridge	Screened Out
SO-N04-002.10	Ballysadare Slip road bridge	Screened Out
SO-N04-003.00	Belladrihid road bridge	Screened Out
SO-N04-004.00	Ballysadare road bridge	Screened Out
SO-N04-005.00	Ballysadare River Bridge	Screened Out
SO-N04-006.00	Owenmore River Bridge	Screened Out
SO-N04-007.00	Lackagh Bridge	Screened Out
SO-N04-008.00	Behy Bridge	Screened Out

Structure_ID	Structure_Name	TII Decision
SO-N04-009.00	Lillybrough Farm Pass	Screened Out
SO-N04-010.00	Aghanagh Farm Pass	Screened Out
SO-N04-011.00	Srugal River Bridge	Screened Out
SO-N04-012.00	Ballinafad road bridge	Screened Out
SO-N15-001.00	Cliffony Bridge	Screened Out
SO-N15-002.00	Mount Temple Bridge	Screened Out
SO-N15-003.00	Grange River Bridge	Screened Out
SO-N15-004.00	Castletown Bridge	Screened Out
SO-N15-005.00	Cartonmore Bridge	Screened Out
SO-N15-005.20	South Cartonmore Bridge	Screened Out
SO-N15-006.00	Drumcliffe Bridge	Screened Out
SO-N15-007.00	Cartron Bridge	Screened Out
SO-N15-008.00	Rathquarter Bridge	Screened Out

Structure_ID	Structure_Name	TII Decision
SO-N16-001.00	Gortnagrelly Bridge	Screened Out
SO-N16-002.00	Castlegal Bridge	Screened Out
SO-N16-003.00	Willowbrook Bridge	Screened Out
SO-N16-004.00	Garvoge River Bridge	Screened Out
SO-N17-001.00	Collooney Railway Bridge	Screened Out
SO-N17-002.00	Ballynacarrow Bridge	Screened Out
SO-N17-003.00	Ballynacarrow Box Culvert	Screened Out
SO-N17-004.00	Rathscanlan Bridge	Screened Out
SO-N17-005.00	Carrowwilkin Bridge	Screened Out
SO-N17-006.00	Callowhoge Bridge	Screened Out
SO-N17-009.00	Concrete Arch at Bellahy	Screened Out
SO-N17-010.00	Mullaghanoe River Bridge	Screened Out
SO-N59-000.30	Belladrihid River Bridge	Screened Out

Structure_ID	Structure_Name	TII Decision
SO-N59-001.00	Ballysadare Railway Bridge	Screened Out
SO-N59-002.00	Ballysadare River Bridge	Screened Out
SO-N59-003.00	Drumard Bridge	Screened Out
SO-N59-004.00	Skreen Bridge	Screened Out
SO-N59-005.00	Screen Bridge	Screened Out
SO-N59-006.00	Doonflin Bridge	Screened Out
SO-N59-007.00	Grange Beg Bridge	Screened Out
SO-N59-008.00	Arckill Bridge	Screened Out
SO-N59-009.00	Carrowcor Bridge	Screened Out
SO-N59-010.00	Dunneill River Bridge	Screened Out
SO-N59-011.00	Ballymeeny Stream Bridge	Screened Out
SO-N59-012.00	Ballymeeny River Bridge	Screened Out
SO-N59-013.00	Easky River Bridge	Screened Out

Structure_ID	Structure_Name	TII Decision
SO-N59-014.00	Owenbeg Bridge	Screened Out
SO-N59-015.00	Owenykeevan Bridge	Screened Out
SO-N59-016.00	Culleens River Bridge	Screened Out
SO-N59-018.00	Stacon Bridge	Screened Out