

15TH JULY, 2019

**SCREENING FOR APPROPRIATE ASSESSMENT OF SPECIFIC WORKS ASSOCIATED WITH 'LOT 2 – 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.'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 2 – Munster 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 2 – 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 'Lot 2 – Munster 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 documents:

- CN250619_Munster Bridges_2019_AA_FINAL - Atkins_2ND PASS.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 CN250619_Munster Bridges_2019_AA_FINAL - Atkins_2ND PASS.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 CN250619_Munster Bridges_2019_AA_FINAL - Atkins_2ND PASS.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

<i>Structure ID</i>	<i>Structure Name</i>	<i>TII Determination</i>
CB-N08-001.00	St Patrick's Bridge	Agree
CB-N08-004.00	Tivoli Railway Bridge	Agree
CB-N08-006.00	R635 Silversprings Overpass	Agree
CB-N20-003.00	Blackpool Bridge	Agree
CB-N27-004.00	Old Blackrock Road Bridge	Agree
TN-N52-006.00	Bridge near Ballahgar	Agree
TN-N52-008.00	Ballyloughnane Bridge	Agree
TN-N52-009.00	Bridge at Ballylognane	Agree
TN-N62-003.00	Brittas Rail Bridge	Agree
TN-N62-007.00	Killough Bridge	Agree
TN-N65-001.00	Balyeiragh Bridge	Agree
TN-N65-002.00	Carrigahorig Bridge	Agree
TN-N65-003.00	River Bridge at Killeen	Agree
TS-N24-005.00	Ballynaraha Rail	Agree
TS-N24-022.00	Ballinlough Rail	Agree
TS-N24-028.00	Limerick Junction Rail	Agree
TS-N74-001.00	Ballyhusty Bridge	Agree
TS-N74-004.00	Castles Bridge 3	Agree
TS-N76-002.00	Priortown Rail	Agree
CC-N20-018.00	Abbey Stream Culvert	Agree
CC-N20-020.00	Carrigduff South Farm Underpass	Agree

<i>Structure ID</i>	<i>Structure Name</i>	<i>TII Determination</i>
CC-N20-025.00	Blackrock Bridge	Agree
CC-N20-028.00	Castle-land culvert	Agree
CC-N22-003.00	Colthurst Bridge Culvert West	Agree
CC-N22-005.00	Bohill Bridge	Agree
CC-N22-008.00	Carrigapahooca Bridge	Agree
CC-N22-009.00	Codrum Cross Roads Culvert	Agree
CC-N22-010.00	Macroom Bridge	Agree
CC-N25-006.00	River Kiltha Bridge	Agree
CC-N71-026.00	Morris Arms Bridge	Agree
CC-N71-051.00	Rochfordstown Viaduct Culvert	Agree
CC-N72-002.00	Carrigaline East Pipe Culvert	Agree
CC-N72-003.00	Lyredowen Culvert	Agree
CC-N72-012.00	Gurteenbeha Pipe Culvert	Agree
CC-N72-022.00	Bridge Street Junction, Mallow	Agree
CC-N72-023.00	Not Inspected Yet.	Agree
CC-N72-027.00	Carrig Bridge	Agree
CC-N72-031.00	St Pat's Hospital Culvert, Fermoy	Agree
CC-N72-032.00	Lukey's Bridge	Agree
CC-N73-004.00	Ballynamona Relief Bridge	Agree
KY-N21-016.20	Ballyduff Farm Underpass	Agree
KY-N21-016.30	Ballyduff Farm Underpass No.2	Agree

<i>Structure ID</i>	<i>Structure Name</i>	<i>TII Determination</i>
KY-N21-016.40	Owveg River Bridge	Agree
KY-N22-016.00	Madam's Hill Railbridge	Agree
KY-N22-021.00	Cloghane Culvert	Agree
KY-N22-023.00	Brewsterfield Bridge	Agree
KY-N22-024.00	Killaha Culvert	Agree
KY-N22-028.00	Derryreag Culvert	Agree
KY-N22-029.00	Corranmaree Bridge	Agree
KY-N23-002.00	O'Connell Bridge	Agree
KY-N69-016.00	Listowel Bridge South Approach	Agree
KY-N69-017.00	Listowel Bridge	Agree
KY-N69-024.00	Tarmon East Cross Roads	Agree
KY-N70-019.00	Kilnabrack Upper Bridge	Agree
KY-N70-050.00	Lomanagh South Bridge	Agree
KY-N71-001.00	McCarthy & O'Leary Memorial Bridge	Agree
KY-N71-005.00	Newfoundland Bay Tunnel	Agree
KY-N71-011.00	Cappamore Bridge	Agree
KY-N71-012.00	Sahaleen Bridge	Agree
KY-N71-013.00	Finnihy Bridge	Agree
KY-N71-016.00	Carrignahihilan Bridge	Agree
KY-N71-017.00	Ballygriffin Bridge	Agree
KY-N72-006.00	Ardteegalvan Bridge	Agree

<i>Structure ID</i>	<i>Structure Name</i>	<i>TII Determination</i>
KY-N72-007.00	Knockeennagowan Bridge	Agree
KY-N72-011.00	Gortanahaneboy West Railway Bridge	Agree
KY-N72-013.00	Rathmore Railway Bridge	Agree
KY-N86-006.00	Dan Fitzgerald Bridge	Agree
KY-N86-012.00	Derryquay East Bridge	Agree
KY-N86-014.00	The Red Bridge	Agree
KY-N86-020.00	Knockglass Beg Bridge	Agree
KY-N86-021.00	Curraduff Bridge	Agree
LC-N21-001.00	Bridge Street Structure Abbeyfeale	Agree
LC-N21-001.300	Armco Structure	Agree
LC-N24-003.00	Milltown Railway Bridge	Agree
LC-N69-006.00	Morgan South Railway Bridge	Agree