

16<sup>TH</sup> OF APRIL 2021

**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 (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 21<sup>st</sup> of June, 2018. Mr. Peter Walsh (the current Chief Executive) subsequently confirmed this arrangement after taking office.

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,
- [GHC12042021GHC08-82021Munster Bridges\\_Yr4\\_Cork\\_06-04-21.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 [GHC12042021GHC08-82021Munster Bridges\\_Yr4\\_Cork\\_06-04-21.xls](#), which I am advised and believe to be the routine maintenance works required under the contract in Cork County in year 4 of its duration.

Having performed screening for Appropriate Assessment in respect of the specific works detailed in [GHC12042021GHC08-82021Munster Bridges\\_Yr4\\_Cork\\_06-04-21.xls](#), I accept the recommendations of Atkins Limited that the year 4 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.



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**Dr. Vincent O'Malley**  
*Head of the Environmental Policy and Compliance Section*  
*Transport Infrastructure Ireland*

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<sup>6</sup> The spreadsheet ‘[GHC12042021GHC08-82021Munster Bridges\\_Yr4\\_Cork\\_06-04-21.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.

Structure ID	Structure Name	TII Decision
CC-N20-001.00	Glancam Armco Culvert	Screened Out
CC-N20-002.00	Cork - Limerick Railway Bridge	Screened Out
CC-N20-012.00	Abbey Stream Culvert	Screened Out
CC-N20-013.00	Mourneabbey North Farm Underpass	Screened Out
CC-N20-014.00	Carrigduff South Farm Underpass	Screened Out
CC-N20-015.00	Carrigduff North Farm Underpass	Screened Out
CC-N20-016.00	Quartertown South Farm Underpass	Screened Out
CC-N20-017.00	Quartertown North Farm Underpass	Screened Out
CC-N20-018.00	Drommahane Road	Screened Out
CC-N20-020.00	Mallow College Footbridge	Screened Out
CC-N20-021.00	Mallow Fire Station Roundabout Culvert	Screened Out
CC-N20-022.00	Castle-land culvert	Screened Out
CC-N20-023.00	Awbeg River South	Screened Out
CC-N20-024.00	Rathelare Bridge	Screened Out

Structure ID	Structure Name	TII Decision
CC-N20-025.00	Awbeg River Flood Arch	Screened Out
CC-N20-026.00	Shinanagh Bridge (Railway)	Screened Out
CC-N20-027.00	Farran Bridge	Screened Out
CC-N20-028.00	New Line Bridge	Screened Out
CC-N22-001.00	Commeen Bridge	Screened Out
CC-N22-002.00	Derrynasaggart Culvert	Screened Out
CC-N22-003.00	Colthurst Bridge Culvert West	Screened Out
CC-N22-004.00	Colthurst Bridge Culvert East	Screened Out
CC-N22-005.00	Bohill Bridge	Screened Out
CC-N22-006.00	Ballymakeery Bridge	Screened Out
CC-N22-007.00	Lissacressig West Culvert	Screened Out
CC-N22-008.00	Carrigapahooca Bridge	Screened Out
CC-N22-009.00	Codrum Cross Roads Culvert	Screened Out
CC-N22-010.00	Macroom Bridge	Screened Out

Structure ID	Structure Name	TII Decision
CC-N22-012.00	Tooms East Culvert	Screened Out
CC-N22-013.00	Dunsky West Culvert	Screened Out
CC-N22-015.00	Clodah Farm Underpass	Screened Out
CC-N22-016.00	Stage Cross Roads Culvert	Screened Out
CC-N22-017.00	Currahaly Cross Roads Culvert	Screened Out
CC-N25-001.00	Ballynacarriga Bridge	Screened Out
CC-N25-001.10	Ballynacarriga Culvert	Screened Out
CC-N25-001.20	Kirk's Farm Pass	Screened Out
CC-N25-001.30	Clashadunna Bridge	Screened Out
CC-N25-001.50	Ballyvergan Bridge	Screened Out
CC-N25-002.00	Burges Bridge	Screened Out
CC-N25-003.00		Screened Out
CC-N25-004.00	Killeagh River Bridge	Screened Out
CC-N25-005.00	Killeagh Railway Bridge	Screened Out

Structure ID	Structure Name	TII Decision
CC-N25-006.00	River Kilha Bridge	Screened Out
CC-N25-007.00	Castlemartyr Forest Bridge	Screened Out
CC-N25-008.00	Two Mile Inn Drain	Screened Out
CC-N25-009.00	Castleredmond Pedestrian Subway	Screened Out
CC-N28-001.00	Raffeen Bridge	Screened Out
CC-N28-002.00	Ballyhemiken Culvert	Screened Out
CC-N71-002.00	Crossterry Bridge	Screened Out
CC-N71-003.00	Reenmeen Bridge	Screened Out
CC-N71-004.00	Barony Bridge	Screened Out
CC-N71-005.00	Dromgarriff River Bridge	Screened Out
CC-N71-006.00	Coomhola River Bridge	Screened Out
CC-N71-007.00	Owvane River Bridge	Screened Out
CC-N71-008.00	Ballylicky Bridge	Screened Out
CC-N71-009.00	Donemark Bridge	Screened Out

Structure ID	Structure Name	TII Decision
CC-N71-010.00	Blackrock Bridge	Screened Out
CC-N71-011.00	Letterlicky Bridge	Screened Out
CC-N71-012.00	Derryvahalla Bridge	Screened Out
CC-N71-013.00	Bawnaknockane River Bridge	Screened Out
CC-N71-014.00	Leamawaddra River Bridge	Screened Out
CC-N71-015.00	Meen Bridge	Screened Out
CC-N71-016.00	Pigs Bridge	Screened Out
CC-N71-017.00	New Court Bridge	Screened Out
CC-N71-018.00	Bay View River Bridge	Screened Out
CC-N71-019.00	Marsh Bridge	Screened Out
CC-N71-020.00	Skibbereen Flood Culvert	Screened Out
CC-N71-021.00	Curragh Bridge	Screened Out
CC-N71-023.00	Derryleigh Bridge	Screened Out
CC-N71-024.00	Leap Bridge	Screened Out

Structure ID	Structure Name	TII Decision
CC-N71-025.00	Connonagh Bridge	Screened Out
CC-N71-026.00	Morris Arms Bridge	Screened Out
CC-N71-027.00	St Patricks Bridge	Screened Out
CC-N71-028.00	Ross Bridge	Screened Out
CC-N71-029.00	Temple Bridge	Screened Out
CC-N71-030.00	Kilruane Bridge	Screened Out
CC-N71-031.00	Clarke Street Bridge	Screened Out
CC-N71-032.00	Argideen River Bridge	Screened Out
CC-N71-033.00	Ballinascarty Bridge	Screened Out
CC-N71-034.00	Reanagar River Bridge	Screened Out
CC-N71-035.00	Cashel Beg Bridge	Screened Out
CC-N71-036.00	Oldchapel Bridge	Screened Out
CC-N71-037.00	Oldchapel Culvert No.1	Screened Out
CC-N71-039.00	Distillery Bridge	Screened Out



Structure ID	Structure Name	TII Decision
CC-N71-040.00	Innishannon Bridge	Screened Out
CC-N71-041.00	Tooreen Farm Overpass	Screened Out
CC-N71-042.00	Coolcullitha Bridge	Screened Out
CC-N71-043.00	Halfway Bridge	Screened Out
CC-N71-044.00	Glennagearagh Equestrian Overpass	Screened Out
CC-N71-045.00	Ballinhassig Farm Overpass No. 1	Screened Out
CC-N71-046.00	Ballinhassig Culvert	Screened Out
CC-N71-047.00	Ballinhassig Bridge	Screened Out
CC-N71-048.00	Ballinhassig Farm Overpass No. 2	Screened Out
CC-N71-049.00	Briar Hill Bridge	Screened Out
CC-N71-090.80	Bantry Square Culvert	Screened Out
CC-N72-001.00	Duncannon Bridge	Screened Out
CC-N72-002.00	Carrigaline East Pipe Culvert	Screened Out
CC-N72-003.00	Lyredowen Culvert	Screened Out

Structure ID	Structure Name	TII Decision
CC-N72-008.00	Dysert Bridge	Screened Out
CC-N72-009.00	Leaders Bridge Western Flood Pass	Screened Out
CC-N72-011.00	Leaders Bridge Eastern Flood Pass	Screened Out
CC-N72-012.00	Gurteenbeha Pipe Culvert	Screened Out
CC-N72-015.00	Lombardstown Bridge	Screened Out
CC-N72-016.00	Lombardstown Farm Underpass	Screened Out
CC-N72-017.00	Longueville Farm Underpass	Screened Out
CC-N72-018.00	Ballynafeaha Culvert	Screened Out
CC-N72-020.00	Mallow Railbridge	Screened Out
CC-N72-021.00	Park Road River Bridge, Mallow	Screened Out
CC-N72-026.00	Spa Walk North, Mallow	Screened Out
CC-N72-029.00	Monanimy Cross Roads	Screened Out
CC-N72-030.00	Castletownroche Bridge	Screened Out
CC-N72-030.20	Renny Lower Cattle Underpass	Screened Out

Structure ID	Structure Name	TII Decision
CC-N72-030.50	Inchinapallas Farm Underpass	Screened Out
CC-N72-030.90	Fermoy Bridge	Screened Out
CC-N72-031.00	St Pat's Hospital Culvert, Fermoy	Screened Out
CC-N72-032.00	Lukey's Bridge	Screened Out
CC-N72-033.00	Downey's Bridge	Screened Out
CC-N73-001.00	Annakisha Cross Road Bridge	Screened Out
CC-N73-004.00	Ballynamona Relief Bridge	Screened Out
CC-N73-006.00	Farahy Bridge	Screened Out
CC-N73-007.00	Glenavuddig Bridge	Screened Out
CC-N73-008.00	Mitchelstown Farm Underpass	Screened Out
CC-N73-009.00	Mitchelstown River Bridge	Screened Out
CC-N73-010.00	Mitchelstown Farm Underpass 2	Screened Out