

17<sup>TH</sup> OF SEPTEMBER, 2018

**SCREENING FOR APPROPRIATE ASSESSMENT OF SPECIFIC WORKS ASSOCIATED WITH 'LOT 1 – NORTH WEST  
BRIDGES TERMS 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 'Lot 1 – North West 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.

<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 '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.

<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.

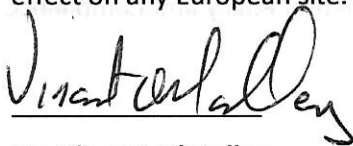
In performing this screening for Appropriate Assessment, I had regard, *inter alia*, to information contained in the following documents:

- *Lot 1 – North West Bridges Term Maintenance Contract No. 3 – Ecology Report – Revision 1.4* (Atkins Limited, 2018); and,
- CN170918\_Third Screening\_NW Bridges\_Grey box review\_FINAL.xls.<sup>6</sup>

In performing this screening for Appropriate Assessment I also met and discussed with various members of staff both 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 CN170918\_Third Screening\_NW Bridges\_Grey box review\_FINAL.xls, which I am advised and believe to be the works required under the contract in year 1 of its duration.

Having performed screening for Appropriate Assessment in respect of the specific works detailed in CN170918\_Munster grey box review 6 September 2018\_FINAL.xls, I accept the recommendations of Atkins Limited that the year 1 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> This spreadsheet was initially prepared by Atkins Limited. The focus of the spreadsheet is on what was termed 'grey box' bridges, i.e. bridges in respect of which the ecologist from Atkins Limited had queries for the engineering team. This spreadsheet illustrates the queries raised by the ecologist and the responses from the engineering team. The spreadsheet also indicates, subsequent to this dialogue, the recommendation of the ecologist to TII as to whether significant effects on European sites can be excluded in respect of proposed works on these 'grey box' bridges. The spreadsheet indicates whether or not TII agrees with these recommendations and provides a summary of reasons behind these decisions.

Structure_ID	Structure_Name	TII accepts the recommendation that the works described in the spreadsheet provided are not likely to have significant effects on any European site.
CN-N03-017.00	Virginia Bridge	Agree
DL-N03-001.00	Ballyshannon Culvert	Agree
DL-N14-002.00	Port roadbridge	Agree
DL-N14-012.00	Muhine Bridge	Agree
DL-N15-001.20	Ballybarons Bridge	Agree
DL-N15-001.70	Liscooly Bridge	Agree
DL-N15-020.00	Bridgetown Bridge	Agree
DL-N15-027.00	Cathaleens Falls Crossing	Agree
DL-N15-030.00	Moy roadbridge	Agree
DL-N56-006.00	Eddrim Bridge	Agree
DL-N56-023.00	Bracky Bridge	Agree
DL-N56-026.00	Kilraine Bridge	Agree
DL-N56-033.00	Gweebarra Bridge	Agree
DL-N56-044.00	Meenacung Bridge	Agree
DL-N56-046.00	Bedlam Bridge	Agree
DL-N56-050.30	Castlebane Bridge	Agree
DL-N56-055.90	N56 Barnes Bridge	Agree
DL-N56-059.00	Lurgy Bridge	Agree
GB-N06-006.00	Terryland River Bridge No.3	Agree

GC-N06-003.00	Oranmore Bridge	Agree
GC-N59-009.00	Owenduff Bridge	Agree
GC-N59-031.00	Cloonoppeen Bridge	Agree
GC-N59-038.00	Letterfore Bridge	Agree
GC-N59-039.00	Glengowla Bridge	Agree
GC-N59-046.00	Lough Kip river Bridge	Agree
GC-N63-015.00	Drinaun Bridge	Agree
GC-N63-019.00	Mount Talbort Bridge	Agree
GC-N65-009.00	Portumna Bridge No. 1	Agree
GC-N65-010.00	Portumna Bridge No. 2	Agree
GC-N65-011.00	Portumna Bridge No. 3	Agree
GC-N67-001.00	Kinvarra Bridge	Agree
GC-N84-008.00	Shrule Bridge	Agree
LM-N15-002.00	Banduff River Bridge	Agree
LM-N16-010.00	Owenmore River Bridge	Agree
LM-N16-013.00	Pollboy Bridge East	Agree
MO-N05-014.00	Little River Bridge	Agree
MO-N05-019.00	Trimoge Bridge	Agree
MO-N17-007.00	Glore River Bridge	Agree
MO-N26-001.00	Rahans Bridge	Agree
MO-N26-003.00	Coolcraun Bridge	Agree
MO-N26-007.00	Carrick Bridge	Agree

MO-N59-010.00	Bellacorrick Musical Bridge	Agree
MO-N59-021.00	Ennisdrum Bridge	Agree
MO-N59-024.00	Muingnahalloona Bridge	Agree
MO-N59-026.00	Lagduff Bridge	Agree
MO-N59-036.00	Bunnahowna East Bridge	Agree
MO-N59-037.00	Rosturk Bridge	Agree
MO-N59-039.00	Rossgaliv Bridge	Agree
MO-N59-042.00	Burrishoole Bridge	Agree
MO-N59-049.00	Moyour River Bridge	Agree
MO-N60-005.00	Balla Bridge	Agree
RN-N05-001.00	Boholas Culvert	Agree
RN-N05-006.00	Toobrack Culvert	Agree
RN-N05-008.00	Lung River Bridge	Agree
RN-N05-011.00	Cloonshanville Bridge	Agree
RN-N05-012.00	Bellanagare Bridge	Agree
RN-N05-014.00	Scramoge River Crossing No.1	Agree
RN-N05-019.00	Feorish Bridge	Agree
RN-N61-012.00	Ballybay Bridge	Agree
RN-N63-005.20	Anrittabeg Bridge	Agree
SO-N15-008.00	Rathquarter Bridge	Agree
SO-N59-017.00	Rosnamuckyduff Bridge	Agree

