

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,
- *GHC19032021Munster Bridges\_Yr4\_Tipperary North\_16.03.2021.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 *GHC19032021Munster Bridges\_Yr4\_Tipperary North\_16.03.2021.xls*, which I am advised and believe to be the routine maintenance works required under the contract in County Tipperary North in year 4 of its duration.

Having performed screening for Appropriate Assessment in respect of the specific works detailed in *GHC19032021Munster Bridges\_Yr4\_Tipperary North\_16.03.2021.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 '*GHC19032021Munster Bridges\_Yr4\_Tipperary North\_16.03.2021.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
TN-N52-001.00	Coolaholloga Bridge	Screened Out
TN-N52-004.00	Ballyfinboy River Bridge	Screened Out
TN-N52-004.01	Borrisokane Mill Race Culvert	Screened Out
TN-N52-005.00	River Bridge at Eminiska	Screened Out
TN-N52-006.00	Bridge near Ballahgar	Screened Out
TN-N52-007.00	Bridge at Carrig	Screened Out
TN-N52-008.00	Ballyloughnane Bridge	Screened Out
TN-N52-009.00	Bridge at Ballylognane	Screened Out
TN-N62-001.00	Ballycarrane Bridge	Screened Out
TN-N62-002.00	Turtulla Bridge	Screened Out
TN-N62-003.00	Brittas Rail Bridge	Screened Out
TN-N62-004.00	Bridge at Forest	Screened Out
TN-N62-005.00	O'Dwyer Bridge	Screened Out

Structure ID	Structure Name	TII Decision
TN-N62-006.00	Knockanroe Bridge	Screened Out
TN-N62-007.00	Killough Bridge	Screened Out
TN-N62-008.00	Bridge near Rosnamaniff	Screened Out
TN-N62-009.00	River Nore Bridge	Screened Out
TN-N62-010.00	Bunow River Bridge No 1	Screened Out
TN-N62-011.00	Bunow River Bridge No.2	Screened Out
TN-N62-012.00	Bunow River Bridge No.3	Screened Out
TN-N62-013.00	Roscrea Railway Bridge	Screened Out
TN-N62-014.00	Bridge at Millpark	Screened Out
TN-N65-002.00	Carrigahorig Bridge	Screened Out
TN-N65-003.00	River Bridge at Killeen	Screened Out
TN-N75-001.00	Suir River Bridge	Screened Out
TN-N75-002.00	Drish River Bridge	Screened Out

Structure ID	Structure Name	TII Decision
TN-N75-003.00	Bridge at Twomileborris	Screened Out
TN-N75-003.00	Corbally Farm Underpass	Screened Out
TN-N75-004.00	Black River Bridge	Screened Out