

28<sup>TH</sup> MAY, 2019

**SCREENING FOR APPROPRIATE ASSESSMENT OF SPECIFIC WORKS ASSOCIATED WITH 'LEINSTER 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 'Leinster 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.

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 'Leinster 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 'Leinster 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.

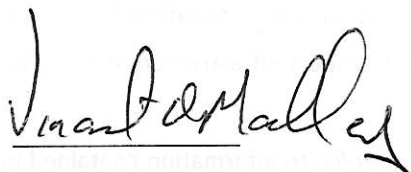
<sup>5</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [1992] OJ L 206.

- *Leinster Bridges – Term Maintenance Contract No. 3 – Ecological Assessment* (Roughan & O’Donovan, July 2018); and,
- 200519 AA Screening 2019 Carlow Longford Louth Offaly FINAL.xls.<sup>6</sup>

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 200519 AA Screening 2019 Carlow Longford Louth Offaly FINAL.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 200519 AA Screening 2019 Carlow Longford Louth Offaly FINAL.xls, I accept the recommendations of Roughan & O’Donovan Civil Engineers 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

<sup>6</sup> The spreadsheet ‘200519 AA Screening 2019 Carlow Longford Louth Offaly FINAL’ was first prepared by Roughan & O’Donovan Civil Engineers and provided, amongst other things, the recommendations of Roughan & O’Donovan’s ecologist as to whether or not specified works could be ‘screened out’. Transport Infrastructure Ireland engaged Ove Arup and Partners Ireland Limited to review this information and to advise TII as to the appropriateness of the conclusions contained therein. 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.

Bridge ID	Bridge Name	TII Determination
CW-N80-002.00	Kildavin Bridge	AGREE
CW-N80-003.00	Whitemill Bridge	AGREE
CW-N80-004.00	Boggan Bridge	AGREE
CW-N80-005.00	Ballykealey Bridge	AGREE
CW-N80-006.00	Ballintrane Bridge	AGREE
CW-N80-007.00	Fighting Cocks Bridge	AGREE
CW-N80-008.00	Rathcrogue Bridge	AGREE
CW-N80-010.00	N80 Railway Bridge	AGREE
CW-N80-011.00	Barrow Bridge	AGREE
CW-N81-001.00	Closh Bridge	AGREE
CW-N81-002.00	Bang Up Bridge	AGREE
CW-N81-004.00	Coppenagh Cross Bridge	AGREE
CW-N81-005.00	Ballyoliver Bridge	AGREE
CW-N81-006.00	Rathvilly Pipes	AGREE
CW-N81-007.00	New Mill Leat	AGREE
LD-N04-002.00	Scry Bridge	AGREE
LD-N04-003.00	Lamagh Bridge	AGREE
LD-N04-004.00	Camlin Bridge	AGREE
LD-N04-005.00	Kilnasavoge Bridge	AGREE
LD-N04-005.50	Lacken Culvert	AGREE
LD-N04-006.00	Black Bridge	AGREE
LD-N04-007.00	Garryandrew Bridge	AGREE
LD-N05-000.10	Termonbarry Bridge	AGREE
LD-N05-002.00	Fallan Bridge	AGREE
LD-N05-003.00	River Camlin Bridge	AGREE
LD-N05-004.00	Railway Bridge	AGREE
LD-N05-005.00	Cartrons Road Underbridge	AGREE
LD-N05-007.00	Aghadegnan Farm Underpass	AGREE
LD-N55-001.00	Creevaghbeg Bridge	AGREE
LD-N55-002.00	Ballymahon Bridge	AGREE
LD-N55-003.00	Sand Bridge	AGREE
LD-N55-004.00	Ballybranigan Bridge	AGREE
LD-N55-005.00	Fowlard's Bridge	AGREE

LD-N55-006.00	Ballygibbagh Bridge	AGREE
LD-N55-007.00	Ballyglassin Bridge	AGREE
LD-N55-008.00	Crossea Bridge	AGREE
LD-N55-009.00	Holy Well Bridge	AGREE
LD-N55-010.00	Aghafin Culvert	AGREE
LD-N55-010.30	Ardiguillion Bridge	AGREE
LD-N55-010.60	Cartron Bridge	AGREE
LD-N55-011.00	Tullygullin Bridge	AGREE
LD-N63-001.00	Lanesborough West Bridge	AGREE
LD-N63-002.00	Lanesborough East Bridge	AGREE
LD-N63-003.00	Industrial Railway Bridge	AGREE
LD-N63-004.00	Cloonfugh Bridge	AGREE
LD-N63-005.00	Aghnaskea Bridge	AGREE
LD-N63-007.00	Aghantrah Bridge	AGREE
LD-N63-008.00	Knockanboy Bridge	AGREE
LD-N63-009.00	Ballyminion Railway Bridge	AGREE
LH-N02-001.00	River Dee Bridge, Ardee	AGREE
LH-N02-002.00	Bridge at Mulladrillen	AGREE
LH-N02-003.00	Anaglog Cross Bridge	AGREE
LH-N02-004.00	Collon Bridge	AGREE
LH-N02-005.00	Emerson Bridge	AGREE
LH-N33-001.00	River Dee bridge No. 1	AGREE
LH-N33-002.00	Farm Pass at Broadlough	AGREE
LH-N33-003.00	Farm Pass at Harristown	AGREE
LH-N33-004.00	Farm Pass at Richardstown	AGREE
LH-N33-005.00	River Dee Bridge No. 2	AGREE
LH-N51-001.00	King Williams Glen Culvert	AGREE
LH-N51-002.00	Kenny's River Bridge	AGREE
LH-N52-001.00	Burley Bridge	AGREE
LH-N52-002.00	Bridge East of Burley Bridge	AGREE
LH-N52-003.00	Ballygowan Bridge	AGREE
LH-N52-004.00	Garra Bridge	AGREE
OY-N52-001.00	Oxmanstown Bridge	AGREE
OY-N52-002.00	Kennedy's Cross Roads Bridge	AGREE

OY-N52-003.00	Eglish Bridge	AGREE
OY-N52-004.00	Kilcormac Bridge	AGREE
OY-N52-005.00	Screggan Road Overbridge	AGREE
OY-N52-007.00	Ballard Underpass	AGREE
OY-N52-008.00	Shortall Farm Underpass	AGREE
OY-N52-009.00	Dublin Athlone Railway Bridge	AGREE
OY-N52-010.00	Tullamore River Bridge	AGREE
OY-N52-011.00	Grand Canal Bridge	AGREE
OY-N52-012.00	Corndarragh River Culvert	AGREE
OY-N52-013.00	Puttaghan Open Ditch Culvert	AGREE
OY-N52-014.00	Tinnycross Road Underbridge	AGREE
OY-N52-015.00	Silver River Bridge	AGREE
OY-N62-001.00	Bridge at Boveen	AGREE
OY-N62-002.00	Millbrook Bridge	AGREE
OY-N62-003.00	Boolinarig Bridge	AGREE
OY-N62-004.00	Industrial Railway Bridge	AGREE
OY-N62-005.00	Crancreagh Bridge	AGREE
OY-N62-006.00	Noggus Bridge	AGREE
OY-N62-007.00	Ferbane Bridge	AGREE
OY-N62-007.01	Ferbane Footbridge	AGREE
OY-N62-008.00	Industrial Railway Bridge	AGREE

