

19TH OF AUGUST 2020

**SCREENING FOR APPROPRIATE ASSESSMENT OF SPECIFIC WORKS ASSOCIATED WITH ‘LOT 1 – NORTH WEST
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 1 – North West 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 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.

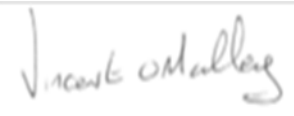
⁴ Article 2 of the Roads Act 2015 (Operational Name of National Roads Authority) Order, 2015 (S.I. No. 297 of 2015) provides that the National Roads Authority may describe itself as Transport Infrastructure Ireland for operational purposes.

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 document:

- CN170820_NW Bridges_Yr3 (2020)_Screening_Duplicates removed_05-08-20.xls (first prepared by Atkins Limited and to which the Environmental Policy and Compliance Section of TII have added comments).

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 CN170820_NW Bridges_Yr3 (2020)_Screening_Duplicates removed_05-08-20.xls, which I am advised and believe to be works required under the contract in Year 3 of its duration in the North-West region. Having performed screening for Appropriate Assessment in respect of the specific works detailed in CN170820_NW Bridges_Yr3 (2020)_Screening_Duplicates removed_05-08-20.xls, I accept the recommendations of Atkins Limited that the proposed Year 3 works specifically listed in the table below on the structures also 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

Structure_ID	Structure_Name	TII Determination No. 4	Applicable Works
SO-N15-005.20	South Cartonmore Bridge	Screened Out	<p>12 Riverbed Clearance of the watercourse on both sides of the bridge, mostly in upstream side. (20 m2)</p> <p>5 Embankments/Revetments Vegetation to be cut back 1m from structure (10 m2)</p>
MO-N17-003.00	Hagfield Bridge	Screened Out	<p>12 Riverbed Clearance of tree and other vegetation from the east side (30 m2)</p> <p>5 Embankments/Revetments Embankments to be swept and cleaned of vegetation, including three trees growing on SW embankment. (13 m2)</p> <p>6 Wing/Spandrel/Retaining Walls Remove ivy from NW wing wall (5 m2)</p>
MO-N58-005.00	Ballylahan Bridge	Screened Out	<p>5 Embankments/Revetments Vegetation up to 1m from the structure to be cut back or removed. (60 m2)</p>

Structure_ID	Structure_Name	TII Determination No. 4	Applicable Works
MO-N59-004.00	Jack Garret Bridge	Screened Out	<p>12 Riverbed Remove upstream debris (tree) (10 m2) 7 Abutments 2 No. cracks - one at NW and one SW abutment to be sealed (2 m2) 7 Abutments Concrete repair (honeycombing) to SE cope side face near abutment (2 m2)</p>
MO-N59-035.00	Bunnahowna West Bridge	Screened Out	<p>5 Embankments/Revetments Vegetation up to 1m from the structure to be cut back or removed. (20 m2)</p>
GC-N59-020.00	Killymongaun Bridge	Screened Out	<p>5 Embankments/Revetments Areas of vegetation to be removed from the embankments at both sides of structure. DO NOT REMOVE JAPANESE KNOT WEED (5 m2)</p>

Structure_ID	Structure_Name	TII Determination No. 4	Applicable Works
GC-N59-021.00	Lettershea Bridge no.1	Screened Out	<p>4 Parapets/Safety barrier Removal of vegetation (moss and weeds) from all faces of the parapet including top (1 m2)</p> <p>5 Embankments/Revetments Vegetation to be removed from 1m strip on embankments adjacent to structure (12 m2)</p> <p>4 Parapets/Safety barrier Cracking to masonry grout on south parapet to be repointed (1 m2)</p>
GC-N59-033.00	Shannakeela Bridge No.2	Screened Out	<p>4 Parapets/Safety barrier Removal of vegetation from all sides of the both parapets including the top and the base (2 m2)</p> <p>5 Embankments/Revetments 1m strip of vegetation to be removed from all sides of the structure (40 m2)</p> <p>4 Parapets/Safety barrier Crack on the north west parapet to be repointed (1 m2)</p>
GC-N59-034.00	Shannakeela Bridge No.3	Screened Out	<p>4 Parapets/Safety barrier Removal of vegetation (moss and weeds) from all sides of the parapet including the top (10 m2)</p> <p>5 Embankments/Revetments Areas of vegetation to be removed from the embankments at both sides of structure, including in front and behind the parapets *Japanese knotweed in NW corner, do not remove* (100 m2)</p>

Structure_ID	Structure_Name	TII Determination No. 4	Applicable Works
GC-N59-035.00	Buskannive Bridge	Screened Out	<p>4 Parapets/Safety barrier Removal of vegetation (moss and weeds) from all sides of the parapet (2 m2)</p> <p>5 Embankments/Revetments Areas of vegetation to be removed from the embankments at both sides of structure. (40 m2)</p>
GC-N59-036.00	Lurgan Bridge	Screened Out	<p>5 Embankments/Revetments Areas of vegetation to be removed from the embankments at both sides of structure. (10 m2)</p>