

2ND OF NOVEMBER, 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.'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 documents:

- *Lot 1 – North West Bridges Term Maintenance Contract No. 3 – Ecology Report – Revision 1.4* (Atkins Limited, 2018); and,
- CNO21118_NW Bridges_Grey box review (Fourth determination) 2.10.2018.xls.

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 CNO21118_NW Bridges_Grey box review (Fourth determination) 2.10.2018.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 CNO21118_NW Bridges_Grey box review (Fourth determination) 2.10.2018.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.

 05/11/2018

Dr. Vincent O'Malley

*Head of the Environmental Policy and Compliance Section
Transport Infrastructure Ireland*

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.
DL-N14-006.00	Ballyboe Bridge	Agree
DL-N15-010.00	Keadew Bridge	Agree
DL-N15-014.00	Drumrath Bridge/Laghey to Ballybofey Rd	Agree
DL-N56-027.00	Mullanieran Bridge	Agree
DL-N56-055.00	Owencarrow River Bridge	Agree
DL-N56-057.00	Termon Bridge	Agree
GC-N17-002.00	Milltown Bridge	Agree
GC-N18-003.00	Kilcolgan Bridge No.1	Agree
GC-N18-004.00	Kilcolgan Bridge No.2	Agree
GC-N59-006.00	Laghtyfahaghaun River Bridge	Agree
GC-N59-007.00	Dernasliggaun Bridge	Agree
GC-N59-010.00	Kylemore Abbey Bridge	Agree

GC-N59-021.00	Lettershea Bridge no.1	Agree
GC-N59-022.00	Lettershea Bridge no.2	Agree
GC-N59-023.00	Emlaghdauroe Bridge	Agree
GC-N59-024.00	Lettery Bridge	Agree
GC-N59-027.00	Well Bridge	Agree
GC-N59-029.00	Caher Bridge	Agree
GC-N59-032.00	Shannakeela Bridge No.1	Agree
GC-N59-034.00	Shannakeela Bridge No.3	Agree
GC-N59-035.00	Bunskannive Bridge	Agree
GC-N59-036.00	Lurgan Bridge	Agree
GC-N59-040.00	Oughterard Bridge	Agree
GC-N63-003.00	Abbert River Bridge	Agree
GC-N83-004.00	Dunmore Bridge	Agree
LM-N16-006.00	Scarden River Bridge	Agree
LM-N16-007.00	Curley Bridge	Agree
MO-N05-013.00	Knockavrony Bridge	Agree
MO-N17-002.00	Bracklagh Bridge	Agree

MO-N26-006.00	Foxford Bridge	Agree
MO-N26-008.00	Cloongullaun Bridge	Agree
MO-N59-001.00	Brusna River Bridge	Agree
MO-N59-003.00	Knockadangan Bridge	Agree
MO-N59-007.00	Shanvolahan River Bridge	Agree
MO-N59-008.00	Eskeragh Bridge	Agree
MO-N59-022.00	Srahgraddy Bridge	Agree
MO-N59-044.00	Newport Bridge	Agree
MO-N59-054.00	Carrowkennedy Bridge	Agree
MO-N59-056.00	Srahlea Bridge	Agree
MO-N59-060.00	Tullawe Stream Bridge	Agree
MO-N59-061.00	Erriff Bridge	Agree
MO-N59-067.00	Glelnanane Bridge	Agree
MO-N60-002.00	Manulla Bridge	Agree
MO-N84-004.00	Keel River Bridge	Agree
MO-N84-005.00	Keel Bridge	Agree
RN-N61-010.00	Lecarrow Stream Bridge	Agree

SO-N04-001.00	Michael Hughes Bridge	Agree
SO-N04-005.00	Ballysadare River Bridge	Agree
SO-N04-006.00	Owenmore River Bridge	Agree
SO-N04-007.00	Lackagh Bridge	Agree
SO-N17-006.00	Callowhoge Bridge	Agree
SO-N17-007.00	Bridge at Yeats Inn, Curry town	Agree
SO-N17-008.00	Curry Bridge	Agree
SO-N59-002.00	Ballysadare River Bridge	Agree