

1ST NOVEMBER, 2018

**SCREENING FOR APPROPRIATE ASSESSMENT OF SPECIFIC WORKS ASSOCIATED WITH ‘LOT 2 – 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.’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 2 – Munster 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 2 – 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 ‘Lot 2 – Munster 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 2 – Munster Bridges Term Maintenance Contract No. 3 – Ecology Report – Revision 1.3 (Atkins Limited, 2018); and,
- CN011118_Munster grey box review (Third 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 CN011118_Munster grey box review (Third determination) 2.10.2018, 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 CN011118_Munster grey box review (Third 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.



01/11/2018

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.
CB-N08-001.01	Brian Boru Bridge	Agree
CB-N27-006.00	Eamon De Valera Bridge	Agree
CB-N27-007.00	Michael Collins Bridge	Agree
CC-N20-029.00	Awbeg River South	Agree
CC-N20-030.00	Rathelare Bridge	Agree
CC-N20-031.00	Awbeg River Flood Arch	Agree
CC-N72-009.00	Leaders Bridge Western Flood Pass	Agree
CC-N72-011.00	Leaders Bridge Eastern Flood Pass	Agree
CC-N72-019.00	Firville Culvert	Agree
CC-N72-030.00	Castletownroche Bridge	Agree
CC-N73-003.00	Ballygown Pipe Culvert	Agree
CC-N73-005.00	Ballynamona Bridge	Agree
CL-N67-001.00	Burrane Bridge	Agree

CL-N67-032.00	Croagh Bridge	Agree
CL-N85-002.00	Claureen River Underbridge	Agree
KY-N21-018.80	River Feale Bridge	Agree
KY-N22-013.00	Kilkneedan Bridge	Agree
KY-N22-014.00	Ballydeenlea Bridge	Agree
KY-N22-026.00	Garries Bridge	Agree
KY-N22-027.00	Poulgorm Bridge	Agree
KY-N69-018.00	Skehanierin Culvert	Agree
KY-N70-001.00	River Lee Bridge	Agree
KY-N70-005.00	Lissardboola Bridge	Agree
KY-N70-015.00	Caragh Bridge	Agree
KY-N70-043.00	Coomnahorna River Bridge	Agree
KY-N70-047.00	Derreens Bridge	Agree
KY-N71-006.00	Incheens Bridge	Agree
KY-N71-017.50	Derrynacoulagh Bridge	Agree
KY-N72-008.00	Six Mile Bridge	Agree
KY-N72-010.00	Gortanahaneboy West Bridge	Agree

KY-N72-012.00	Cullavaw Bridge	Agree
KY-N86-015.00	Derryquay Bridge	Agree
KY-N86-020.00	Knockglass Beg Bridge	Agree
LC-N21-002.00	Goulburn Bridge	Agree
LC-N21-019.00	Adare Bridge	Agree
LC-N69-009.00	Askeaton Friary River Bridge	Agree
TS-N24-016.00	Cahirabbey Lower Bridge 1	Agree
TS-N74-002.00	Castles Bridge 1	Agree
TS-N74-003.00	Castles Bridge 2	Agree
WC-N25-019.00	Killongford Bridge	Agree
WC-N25-022.00	Gorteen Bridge	Agree
WC-N72-001.00	Lismore Bridge 1	Agree
WC-N72-002.00	Lismore Bridge 2	Agree
WC-N72-003.00	Little Bridge	Agree
WC-N72-006.00	Finisk Bridge	Agree

