

17<sup>TH</sup> OF SEPTEMBER, 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.'<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 'Lot 2 – 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 (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.

<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 '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.

<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.

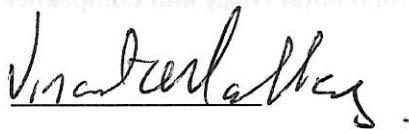
In performing this screening for Appropriate Assessment, I had regard, *inter alia*, to information contained in the following documents:

- *Lot 2 – Munster Bridges Term Maintenance Contract No. 3 – Ecology Report – Revision 1.3* (Atkins Limited, 2018); and,
- CN170918\_Munster grey box review 6 September 2018\_FINAL.xls.<sup>6</sup>

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 CN170918\_Munster grey box review 6 September 2018\_FINAL.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 CN170918\_Munster grey box review 6 September 2018\_FINAL.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.



**Dr. Vincent O'Malley**

*Head of the Environmental Policy and Compliance Section*

*Transport Infrastructure Ireland*

<sup>6</sup> This spreadsheet was initially prepared by Atkins Limited. The focus of the spreadsheet is on what was termed 'grey box' bridges, i.e. bridges in respect of which the ecologist from Atkins Limited had queries for the engineering team. This spreadsheet illustrates the queries raised by the ecologist and the responses from the engineering team. The spreadsheet also indicates, subsequent to this dialogue, the recommendation of the ecologist to TII as to whether significant effects on European sites can be excluded in respect of proposed works on these 'grey box' bridges. The spreadsheet indicates whether or not TII agrees with these recommendations and provides a summary of reasons behind these decisions.

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-N20-001.00	Christy Ring Bridge	Agree
CB-N20-002.00	Carroll's Quay Bridge	Agree
CC-N20-025.00	Blackrock Bridge	Agree
CC-N20-033.00	Farran Bridge	Agree
CC-N71-003.00	Reenmeen Bridge	Agree
CC-N71-015.00	Meen Bridge	Agree
CC-N72-004.00	Ahane Bridge	Agree
CC-N72-008.00	Dysert Bridge	Agree
CC-N72-012.00	Gurteenbeha Pipe Culvert	Agree
CC-N72-013.00	Ketragh Bridge	Agree
CC-N72-014.00	Boland's Bridge	Agree
CC-N72-015.00	Lombardstown Bridge	Agree
CC-N72-021.00	Park Road River Bridge, Mallow	Agree
CC-N72-022.00	Bridge Street Junction, Mallow	Agree
CC-N72-024.00	Spa Walk South, Mallow	Agree
CC-N72-025.00	Spa Walk Central, Mallow	Agree
CC-N72-030.90	Fermoy Bridge	Agree

CC-N72-031.00	St Pat's Hospital Culvert, Fermoy	Agree
CC-N72-032.00	Lukey's Bridge	Agree
CL-N67-003.00	Ballymacrinan Bay Bridge	Agree
CL-N67-006.00	Moyasta Bridge North	Agree
CL-N68-010.00	Aughandayaud Culvert	Agree
KY-N22-017.00	Deenagh Bridge	Agree
KY-N22-019.00	Woodford Bridge	Agree
KY-N22-023.00	Brewsterfield Bridge	Agree
KY-N22-024.00	Killaha Culvert	Agree
KY-N22-028.00	Derryreag Culvert	Agree
KY-N22-030.00	Cummeenavrick Culvert #1	Agree
KY-N22-031.00	Cummeenavrick Culvert #2	Agree
KY-N22-032.00	Cummeenavrick Culvert #3	Agree
KY-N69-001.50	Ballybeggan River Bridge	Agree
KY-N69-002.00	Leath Crossroads	Agree
KY-N69-016.00	Listowel Bridge South Approach	Agree
KY-N69-017.00	Listowel Bridge	Agree
KY-N69-020.00	River Galey Bridge	Agree
KY-N69-025.00	Harold's Bridge	Agree
KY-N70-040.00	Baslickane Bridge	Agree
KY-N70-041.00	Darrynane Beg Bridge	Agree
KY-N70-053.00	Dereenafoyle Bridge	Agree

KY-N70-054.00	Blackwater Bridge	Agree
KY-N71-002.00	Muckross Friary Bridge	Agree
KY-N71-003.00	Torc New Bridge	Agree
KY-N71-007.00	Galway's Bridge	Agree
KY-N71-014.00	Kenmare Bridge	Agree
KY-N71-016.00	Carrignahihilan Bridge	Agree
KY-N72-002.00	River Gweestin Bridge	Agree
KY-N72-005.00	Ballydowny Bridge	Agree
KY-N72-006.00	Ardteegalvan Bridge	Agree
KY-N86-006.00	Dan Fitzgerald Bridge	Agree
KY-N86-007.00	Annagh East Bridge	Agree
KY-N86-019.00	Killelton Bridge	Agree
KY-N86-021.00	Curraduff Bridge	Agree
KY-N86-029.00	Logher Bridge	Agree
LC-N21-001.300	Armco Structure	Agree
LC-N69-003.00	Loghill Bridge	Agree
LC-N69-005.00	Rincullia Bridge	Agree
LC-N69-011.00	Ferry Bridge	Agree
TN-N65-001.00	Balyeiragh Bridge	Agree
TS-N24-001.00	The Three Bridges	Agree
TS-N24-006.00	Canal Bridge	Agree
TS-N24-015.00	Cahirabbey Lower Bridge 2	Agree

TS-N74-004.00	Castles Bridge 3	Agree
TS-N74-005.00	Golden Bridge	Agree
TS-N76-004.00	Mullennaglogh Bridge	Agree
WC-N25-018.00	Shandon Bridge	Agree
WC-N25-024.00	Youghal Bridge	Agree
WC-N25-025.00	Tourig River Bridge	Agree