

11<sup>TH</sup> OF NOVEMBER 2019

**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.

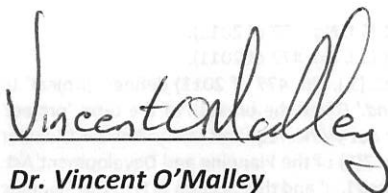
In performing this screening for Appropriate Assessment, I had regard, *inter alia*, to information contained in the following documents:

- Email from Atkins Limited entitled '*RE: Re. Munster Bridges – 2018 NIS (Reconsideration of Minor Tasks)*' and dated Tuesday, 12<sup>th</sup> of November 2019 relating to Awbeg River Flood Arch, with the following attachment: Awbeg River Flood Arch\_Reconsideration 2019.11.12.doc; and,
- Email from Atkins Limited entitled '*RE: Re. Munster Bridges – 2018 NIS (Reconsideration of Minor Tasks)*' and dated Tuesday, 12<sup>th</sup> of November 2019 relating to Leaders Bridge Western and Eastern Flood Passes, with the following attachments: IMG\_2830.jpg, IMG\_2896.jpg, IMG\_2897 and CN291019\_Munster Bridges\_2019\_NIS Re-Screening\_For TII (16-10-2019).

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); 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 the table below, which I am advised and believe to be works required under the contract.

Having performed screening for Appropriate Assessment in respect of the specific works detailed in the table below, I accept the recommendations of Atkins Limited that the specified 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.



14/11/2019

**Dr. Vincent O'Malley**

*Head of the Environmental Policy and Compliance Section*

*Transport Infrastructure Ireland*

Structure ID	Structure Name	Works that 'screen out'	TII Determination
CC-N20-031.00	Awbeg River Flood Arch	<p>Sweeping and cleaning along edges of the carriageway (16m<sup>2</sup>);  Sweeping and cleaning along footways (30m<sup>2</sup>);  Vegetation removal from the parapets (5m<sup>2</sup>);  Crack repair to west masonry parapet at location of structure ID (2m<sup>2</sup>);  Vegetation removal from embankments to maintain 1m clearance around structure (20m<sup>2</sup>);  Vegetation clearance from drainage holes and from the wing walls/spandrel walls (6m<sup>2</sup>);  Repoint open joints following removal of vegetation (3m<sup>2</sup>); and,  Vegetation clearance from watercourse (40m<sup>2</sup>).</p>	Agree
CC-N72-011.00	Leaders Bridge Eastern Flood Pass	<p>Riverbed – Removal of vegetation from riverbed to the south side and fallen tree at the north side of the bridge (16 m<sup>2</sup>);  Parapets/Safety barrier – Minor vegetation clearance to parapets (2 m<sup>2</sup>);  Parapets/Safety barrier – Repoint open joints following removal of vegetation (1 m<sup>2</sup>);  Wing/Spandrel/Retaining Walls – Masonry repointing to subsequent mortar loss after vegetation removal to spandrel walls (2 m<sup>2</sup>);  Abutments – Repointing to localised areas of open joints (2 m<sup>2</sup>);  Deck/slab/arch barrel – 2mm crack in slab at face of NE edge of span 3 requires repairs (1 m<sup>2</sup>);  Embankments/Revetments – Clearance of 1m strip of vegetation away from structure on all embankments (24 m<sup>2</sup>);  and,  Wing/Spandrel/Retaining Walls – Removal of vegetation to spandrel walls (5 m<sup>2</sup>).</p>	Agree

Structure ID	Structure Name	Works that 'screen out'	TII Determination
CC-N72-009.00	Leaders Bridge Western Flood Pass	Riverbed – Removal of 2 No fallen trees from southern side of the bridge (1 m2); Embankments/Revetments – Removal of vegetation to embankments, 1m wide strip to each side of the bridge (40 m2); Wing/Spandrel/Retaining Walls – Masonry repointing to subsequent mortar loss after vegetation removal to southern wing wall and both spandrel walls (3 m2); Abutments – Repointing to localised areas of open joints. Structure is a dry flood relief clapper beam structure. (3 m2); and, Wing/Spandrel/Retaining Walls – Removal of vegetation to southern wing wall and both spandrel walls. (10 m2).	Agree