

15TH OF JULY 2020

**SCREENING FOR APPROPRIATE ASSESSMENT OF SPECIFIC WORKS ASSOCIATED WITH ‘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 ‘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.

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

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 ‘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 ‘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.

- *Munster Bridges – Term Maintenance Contract No. 3 – Ecological Assessment* (Atkins Limited, July 2018); and,
- CN140720_Munster Year 3_Bridges going to NIS Rev 1.0 (06-07-2020).xls.⁶

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 CN140720_Munster Year 3_Bridges going to NIS Rev 1.0 (06-07-2020).xls, which I am advised and believe to be routine maintenance works required under the contract in Munster in year 3 of its duration.

Having performed screening for Appropriate Assessment in respect of the specific works detailed in CN140720_Munster Year 3_Bridges going to NIS Rev 1.0 (06-07-2020).xls, I accept the recommendations of Atkins Limited that the year 3 routine maintenance works proposed on the structures (both works and 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

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⁶ The spreadsheet ‘CN140720_Munster Year 3_Bridges going to NIS Rev 1.0 (06-07-2020).xls’ was first prepared by Atkins Limited and provided, amongst other things, the recommendations of Atkins Limited’s ecologist as to whether or not specified works could be ‘screened out’. The Environmental Policy and Compliance Section of TII reviewed the information contained in the spreadsheet and indicated whether or not it agreed with these recommendations.

Structure ID	Structure Name	TII Determination No. 3	Applicable Works
CL-N67-007.00	Lisdeen Bridge	Screened Out	5 Embankments/Revetments Clearance of 1m strip of vegetation from structure on all embankments. (20 m2)
CC-N71-002.00	Crossterry Bridge	Screened Out	5 Embankments/Revetments Vegetation up to 1m from the structure to be cut back or removed. (20 m2)
CC-N71-003.00	Reenmeen Bridge	Screened Out	5 Embankments/Revetments Northern approach training walls and embankments to be cleared of vegetation (40 m2) 1 Bridge surface All debris, silt and vegetation to be removed from bridge drainage gullies (2 no)
CC-N71-031.00	Clarke Street Bridge	Screened Out	1 Bridge surface Removal of debris and silt from drainage gullies required (2 no) 1 Bridge surface Drainage systems to be cleared of silt debris and vegetation on east side of bridge (11 m)
CC-N72-001.00	Duncannon Bridge	Screened Out	5 Embankments/Revetments Removal of vegetation to embankments. 1m wide strip north east, and to southern embankments. (30 m2)

Structure ID	Structure Name	TII Determination No. 3	Applicable Works
CC-N72-033.00	Downey's Bridge	Screened Out	5 Embankments/Revetments Clearance of 1m strip of vegetation away from structure on all embankments. (24 m ²) 6 Wing/Spandrel/Retaining Walls Removal of vegetation at wingwalls over embankments. (850 m ²)
CC-N73-005.00	Ballynamona Bridge	Screened Out	4 Parapets/Safety barrier Vegetation removal from parapets (20 m ²)
KY-N69-020.00	River Galey Bridge	Screened Out	5 Embankments/Revetments Vegetation clearance from the embankments to maintain 1m clearance around structure (30 m ²) 6 Wing/Spandrel/Retaining Walls Remove vegetation from wingwalls. (30 m ²) 8 Piers Removal of vegetation from open joints in piers. (12 m ²)
KY-N69-021.00	Galey Bridge Culvert	Screened Out	5 Embankments/Revetments Vegetation clearance from the embankments to maintain 1m clearance around structure (20 m ²) 6 Wing/Spandrel/Retaining Walls Remove vegetation from wingwalls above embankment. (4 m ²) 7 Abutments Remove vegetation from abutments. (6 m ²) 6 Wing/Spandrel/Retaining Walls Repoint wingwalls above embankment following vegetation removal. (4 m ²)
KY-N70-015.00	Caragh Bridge	Screened Out	5 Embankments/Revetments Removal of vegetation required on all embankments within 1m of bridge structure (32 m ²) 1 Bridge surface Removal of debris and silt from drainage gullies (4 no)

Structure ID	Structure Name	TII Determination No. 3	Applicable Works
KY-N71-017.50	Derrynacoulagh Bridge	Screened Out	5 Embankments/Revetments (20 m2) 6 Wing/Spandrel/Retaining Walls Removal of vegetation from southwest wingwall. (5 m2)
LC-N24-005.00	Tullabeg Bridge	Screened Out	5 Embankments/Revetments Vegetation clearance to the embankments (80 m2) 6 Wing/Spandrel/Retaining Walls Removal of vegetation to south wingwall. (10 m2)
LC-N69-005.00	Rincullia Bridge	Screened Out	5 Embankments/Revetments (20 m2)
LC-N69-011.00	Ferry Bridge	Screened Out	4 Parapets/Safety barrier Removal of vegetation to roadside face of parapets. (40 m2) 5 Embankments/Revetments (40 m2) 6 Wing/Spandrel/Retaining Walls Removal of vegetation over embankments. (60 m2) 6 Wing/Spandrel/Retaining Walls Removal of vegetation to spandrels. (20 m2) 6 Wing/Spandrel/Retaining Walls Repointing to wingwalls over embankments after vegetation has been removed. (60 m2)