

6TH OF APRIL 2021

**SCREENING FOR APPROPRIATE ASSESSMENT OF SPECIFIC WORKS ASSOCIATED WITH ‘LOT 1 – NORTH WEST 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 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 (the former 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. Mr. Peter Walsh (the current Chief Executive) subsequently confirmed this arrangement after taking office.

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 document:

- GHC11032021_NW Bridges_Yr4_Cavan Rev 1.0.xls (first prepared by Atkins Limited and to which the Environmental Policy and Compliance Section of TII have added comments).

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 GHC11032021_NW Bridges_Yr4_Cavan Rev 1.0.xls, which I am advised and believe to be the works required under the contract in Year 4 of its duration in County Cavan.

Having performed screening for Appropriate Assessment in respect of the specific works detailed in GHC11032021_NW Bridges_Yr4_Cavan Rev 1.0.xls, I accept the recommendations of Atkins Limited that the Year 4 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

Structure_ID	Structure_Name	TII Decision
CN-N03-002.00	Feedarragh Bridge	Screened Out
CN-N03-003.00	Erne Bridge	Screened Out
CN-N03-003.40	Kilduff Bridge	Screened Out
CN-N03-003.60	Aghnaguig Bridge	Screened Out
CN-N03-004.00	Butlers Bridge	Screened Out
CN-N03-005.00	Drumherrish Farm Underpass	Screened Out
CN-N03-006.00	Drumherrish Bridge	Screened Out
CN-N03-007.00	Curragho Bridge	Screened Out
CN-N03-008.00	Drumalee Bridge	Screened Out
CN-N03-009.00	Killynebbe Bridge	Screened Out
CN-N03-010.00	Poles Bridge	Screened Out
CN-N03-011.00	Lisnananagh Bridge	Screened Out
CN-N03-012.00	Beaghy Bridge	Screened Out
CN-N03-013.00	Drummanbane Farm Underpass No.1	Screened Out

Structure_ID	Structure_Name	TII Decision
CN-N03-014.00	Drummanbane Farm Underpass No.2	Screened Out
CN-N03-015.00	Billis Culvert	Screened Out
CN-N03-016.00	Billis Bridge	Screened Out
CN-N03-017.00	Virginia Bridge	Screened Out
CN-N03-001.00	Aghalane Bridge	Screened Out
CN-N16-001.00	Belcoo Bridge	Screened Out
CN-N16-002.00	Tuam Farm Underpass	Screened Out
CN-N16-003.00	Tuam Bridge	Screened Out
CN-N16-004.00	Termon Farm underpass	Screened Out
CN-N16-005.00	Kiltomulty Bridge	Screened Out
CN-N16-006.00	Esky River	Screened Out
CN-N54-001.00	Drumlaney Bridge	Screened Out
CN-N55-001.00	Lisnatinny South Bridge	Screened Out
CN-N55-001.10	Lisnatinny North Bridge	Screened Out

Structure_ID	Structure_Name	TII Decision
CN-N55-001.30	Mullaghoran Bridge	Screened Out
CN-N55-002.00	Killydoon Bridge	Screened Out
CN-N55-003.00	Ballinagh Bridge	Screened Out
CN-N55-003.01	Ballinagh Footbridge	Screened Out
CN-N55-004.00	Killycannon Bridge	Screened Out
CN-N55-005.00	Thomascourt Bridge	Screened Out
CN-N55-006.00	Moynehall Bridge	Screened Out
CN-N87-001.00	Drumconra Bridge	Screened Out
CN-N87-002.00	Cladagh Bridge	Screened Out
CN-N87-003.00	Gortacashel Bridge	Screened Out
CN-N87-004.00	Borim Bridge	Screened Out
CN-N87-005.00	Drumcanon Bridge	Screened Out
CN-N87-006.00	Tawnagh Bridge	Screened Out
CN-N87-007.00	Killyneary Bridge No.1	Screened Out

Structure_ID	Structure_Name	TII Decision
CN-N87-008.00	Killyneary Bridge No.2	Screened Out
CN-N87-009.00	Bawnboy Bridge	Screened Out
CN-N87-010.00	Corrasmongan Bridge	Screened Out
CN-N87-011.00	Killycrin Bridge	Screened Out
CN-N87-012.00	Moher Bridge	Screened Out
CN-N87-013.00	Mullanacre Bridge	Screened Out
CN-N87-014.00	Derryginny Bridge	Screened Out
CN-N87-015.00	Derryginny Bridge No.2	Screened Out
CN-N87-016.00	Derryginny Bridge No.3	Screened Out
CN-N87-017.00	Doon Bridge	Screened Out
CN-N87-018.00	Ballyconnell Bridge	Screened Out
CN-N87-018.01	Ballyconnell Footbridge	Screened Out
CN-N87-019.00	Cranaghan Bridge	Screened Out
CN-N87-020.00	Farm Underpass at Roundabout	Screened Out