

16<sup>TH</sup> 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.’<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 1 – North West 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 (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 21<sup>st</sup> of June, 2018. Mr. Peter Walsh (the current Chief Executive) subsequently confirmed this arrangement after taking office.

<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 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.

<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.

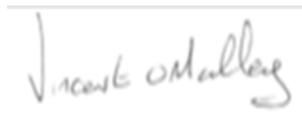
In performing this screening for Appropriate Assessment, I had regard, *inter alia*, to information contained in the following document:

- GHC13042021NW Bridges\_Yr4 Donegal 13-04-21.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 GHC13042021NW Bridges\_Yr4 Donegal 13-04-21.xls, which I am advised and believe to be the works required under the contract in Year 4 of its duration in County Donegal.

Having performed screening for Appropriate Assessment in respect of the specific works detailed in GHC13042021NW Bridges\_Yr4 Donegal 13-04-21.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.



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**Dr. Vincent O'Malley**

*Head of the Environmental Policy and Compliance Section*

*Transport Infrastructure Ireland*

Structure_ID	Structure_Name	TII Decision
DL-N03-001.00	Ballyshannon Culvert	Screened Out
DL-N03-002.00	Allingham road bridge	Screened Out
DL-N13-000.90	Meenavoy Clapper Bridge	Screened Out
DL-N13-001.00	Callan Bridge	Screened Out
DL-N13-002.00	Drumkeen Bridge	Screened Out
DL-N13-003.00	Treantaboy Bridge	Screened Out
DL-N13-003.90	Drungreggan Culvert	Screened Out
DL-N13-004.00	Drumreggan Bridge Farm Pass	Screened Out
DL-N13-005.00	Isle Burn Bridge	Screened Out
DL-N13-006.00	Raymoghy Bridge Farm Pass	Screened Out
DL-N13-007.00	Cottage Bridge	Screened Out
DL-N13-008.00	Newtowncunningham Bridge	Screened Out
DL-N13-009.00	Castlecooley Bridge	Screened Out

Structure_ID	Structure_Name	TII Decision
DL-N13-010.00	Bridge End	Screened Out
DL-N14-001.00	Sprackburn Bridge	Screened Out
DL-N14-002.00	Port Road Bridge	Screened Out
DL-N14-003.00	Shell Bridge	Screened Out
DL-N14-004.00	Pluck Bridge	Screened Out
DL-N14-005.00	Labbadish Bridge	Screened Out
DL-N14-006.00	Ballyboe Bridge	Screened Out
DL-N14-007.00	Doorable Bridge	Screened Out
DL-N14-008.00	Sheskinapoll Bridge Farm Creek	Screened Out
DL-N14-009.00	Whitecross Bridge/Annie Tourish	Screened Out
DL-N14-011.00	Mullnaveagh Bridge	Screened Out
DL-N14-012.00	Muhine Bridge	Screened Out
DL-N15-001.00	Lifford Bridge	Screened Out
DL-N15-001.20	Ballybarons Bridge	Screened Out

Structure_ID	Structure_Name	TII Decision
DL-N15-001.60	Liscooley East Bridge	Screened Out
DL-N15-001.70	Liscooly Bridge	Screened Out
DL-N15-001.80	Kiltown Bridge	Screened Out
DL-N15-002.00	Carraignamanna Bridge	Screened Out
DL-N15-002.70	Corcam Bridge	Screened Out
DL-N15-003.00	Mullandrait Bridge	Screened Out
DL-N15-004.00	Finn Bridge	Screened Out
DL-N15-005.50	Goland Bridge	Screened Out
DL-N15-005.60	Dooish Culvert	Screened Out
DL-N15-005.70	Meencargagh	Screened Out
DL-N15-006.10	Blackburn Bridge	Screened Out
DL-N15-007.00	Lough Mourne Bridge/Adjacent to water reservoir	Screened Out
DL-N15-008.00	Red Burn Bridge/At triple waterfall	Screened Out
DL-N15-009.00	Barnes Bridge	Screened Out

Structure_ID	Structure_Name	TII Decision
DL-N15-010.00	Keadew Bridge	Screened Out
DL-N15-011.00	Barnes Old School Bridge	Screened Out
DL-N15-013.00	Clarlougheask Bridge	Screened Out
DL-N15-014.00	Drumrath Bridge/Laghey to Ballybofey Rd	Screened Out
DL-N15-015.00	Tully Bridge/Farm Pass	Screened Out
DL-N15-016.00	Drumbar Bridge	Screened Out
DL-N15-017.00	Drumgowan Bridge	Screened Out
DL-N15-018.00	Laghy Bridge	Screened Out
DL-N15-019.00	Laghy Village Bridge	Screened Out
DL-N15-019.10	Laghy Pedestrian Underpass	Screened Out
DL-N15-019.20	Laghy Culvert	Screened Out
DL-N15-020.00	Bridgetown Bridge	Screened Out
DL-N15-021.00	Ballintra Bridge	Screened Out
DL-N15-022.00	Laheen Lough Bridge	Screened Out

Structure_ID	Structure_Name	TII Decision
DL-N15-023.00	Behy Hill Bridge	Screened Out
DL-N15-024.00	Cavangarden Bridge	Screened Out
DL-N15-025.00	Ballure Lane Bridge	Screened Out
DL-N15-026.00	Knader road bridge	Screened Out
DL-N15-027.00	Cathaleens Falls Crossing	Screened Out
DL-N15-028.00	Station Road Underpass	Screened Out
DL-N15-029.00	Rock road bridge	Screened Out
DL-N15-030.00	Moy road bridge	Screened Out
DL-N15-031.00	Drumacrin road bridge	Screened Out
DL-N15-032.00	Bradoge River Culvert	Screened Out
DL-N15-033.00	Newton road bridge	Screened Out
DL-N15-034.00	Kinlough road bridge	Screened Out
DL-N15-035.00	Bayview Avenue Underpass	Screened Out
DL-N56-001.00	River Eske Bridge	Screened Out

Structure_ID	Structure_Name	TII Decision
DL-N56-002.00	Eske Roadway Bridge	Screened Out
DL-N56-003.00	Local Road	Screened Out
DL-N56-004.00	Drumroosk Bridge/Local Road	Screened Out
DL-N56-005.00	Murlas Bridge	Screened Out
DL-N56-006.00	Eddrim Bridge	Screened Out
DL-N56-007.00	Glen Bridge 1	Screened Out
DL-N56-008.00	Glen Bridge 2	Screened Out
DL-N56-009.00	Forge Road Mountcharles	Screened Out
DL-N56-010.00	Mountcharles Pedestrian Underpass	Screened Out
DL-N56-011.00	Miltown Bridge	Screened Out
DL-N56-012.00	Inver Bridge	Screened Out
DL-N56-013.00	Drumnakillew Bridge	Screened Out
DL-N56-015.00	Breanter Bridge	Screened Out
DL-N56-016.00	Bunlacky Bridge	Screened Out

Structure_ID	Structure_Name	TII Decision
DL-N56-017.00	Creamery Bridge	Screened Out
DL-N56-018.00	Milltown Bridge	Screened Out
DL-N56-019.00	Meentullynagarn Bridge	Screened Out
DL-N56-020.00	Meengilcarry Bridge/Between Bruckles and Ardara	Screened Out
DL-N56-021.00	Aighe River Bridge	Screened Out
DL-N56-022.00	Commons Bridge	Screened Out
DL-N56-023.00	Bracky Bridge	Screened Out
DL-N56-024.00	Edergole Bridge	Screened Out
DL-N56-025.00	Ardara Bridge	Screened Out
DL-N56-028.00	Glenties Bridge	Screened Out
DL-N56-029.00	Gortnamucklagh Bridge	Screened Out
DL-N56-030.00	South Maas Bridge	Screened Out
DL-N56-031.00	Maas Bridge	Screened Out
DL-N56-031.60	Mulnamin Culvert	Screened Out

Structure_ID	Structure_Name	TII Decision
DL-N56-034.00	Meenacarn Bridge	Screened Out
DL-N56-035.00	Cloghbolie Bridge	Screened Out
DL-N56-036.00	Owennamarve Bridge	Screened Out
DL-N56-037.00	Little Bridge	Screened Out
DL-N56-038.00	Hospital Bridge	Screened Out
DL-N56-039.00	Altcrin Bridge	Screened Out
DL-N56-040.00	Crollly Bridge	Screened Out
DL-N56-042.00	Hydro Race Bridge	Screened Out
DL-N56-043.00	Loch Nacung Bridge	Screened Out
DL-N56-044.00	Meenacung Bridge	Screened Out
DL-N56-045.00	Aspick Bridge	Screened Out
DL-N56-046.00	Bedlam Bridge	Screened Out
DL-N56-047.00	Bellina Bridge	Screened Out
DL-N56-048.00	Drumavoghy Bridge	Screened Out

Structure_ID	Structure_Name	TII Decision
DL-N56-049.00	Ray Bridge	Screened Out
DL-N56-050.00	Owenwee Bridge	Screened Out
DL-N56-050.20	Murroe Bridge	Screened Out
DL-N56-050.30	Castlebane Bridge	Screened Out
DL-N56-050.70	Sandhill Bridge	Screened Out
DL-N56-051.00	Derryart Bridge	Screened Out
DL-N56-052.00	Clon Bridge	Screened Out
DL-N56-053.00	Lough Natooley Bridge	Screened Out
DL-N56-054.00	Tirlin Bridge	Screened Out
DL-N56-055.90	N56 Barnes Bridge	Screened Out
DL-N56-056.00	Fawans Bridge	Screened Out
DL-N56-060.00	Milltown Bridge	Screened Out
DL-N56-061.00	Glashaugh Flood Relief Culvert	Screened Out
DL-N56-062.00	Glashaugh Bridge	Screened Out