

10TH OF JUNE 2025

**SCREENING FOR APPROPRIATE ASSESSMENT OF SPECIFIC WORKS ASSOCIATED WITH 'MUNSTER BRIDGES – TERM
MAINTENANCE CONTRACT NO. 4' – COUNTY KERRY**

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. 4' 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. Peter Walsh (the Chief Executive of Transport Infrastructure Ireland) delegated the following function to me by memorandum dated the 21st of March 2023: "*Preparation and signing of written decision on completion of screening process for appropriate assessment in the context of environmental impact.*"

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. 4' 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. 4' 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.

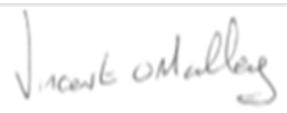
⁵ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [1992] OJ L 206.

- KY-N86-042.00_Screening of Amended Works (03-06-25).C.M)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 KY-N86-042.00_Screening of Amended Works (03-06-25).C.M, which I am advised and believe to be the routine maintenance works required under the contract in Co. Kerry in Year 3 of its duration.

Having performed screening for Appropriate Assessment in respect of the specific works detailed in KY-N86-042.00_Screening of Amended Works (03-06-25).C.M, I accept the recommendations of AtkinsRéalis that the Year 3 routine maintenance 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

⁶ KY-N86-042.00_Screening of Amended Works (03-06-25).C.M' was first prepared by AtkinsRéalis and provided, amongst other things, the recommendations of AtkinsRéalis' 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 Decision
KY-N86-042.00	Ballineesteenig West Culvert	Screened Out.