



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314712-22

#### Development

Construction of a new fire station to include site clearance works, a training tower, signage, landscaping, parking, connections to existing services, public footpaths, and all associated site development work.

#### Location

St. Lawrencesfields, Athenry Road, Loughrea, Co. Galway

#### Planning Authority

Galway County Council

#### Applicant(s)

Atlantic Troy Ltd.

#### Type of Application

EIAR screening determination under section 120(3)(b) of the Planning & Development Regulations, 2001 (as amended)

#### Date of Site Inspection

3<sup>rd</sup> January 2023

#### Inspector

Anthony Kelly

## **1.0 Introduction**

- 1.1. Under the provisions of article 120(3)(b) of the Planning & Development Regulations, 2001 (as amended), Atlantic Troy Ltd. is seeking a determination from An Bord Pleanála as to whether or not the proposal to construct a fire station development would be likely to give rise to significant effects on the environment and thereby require the preparation of an Environmental Impact Assessment Report (EIAR). Galway County Council is of the opinion that the works do not require an EIAR and had initiated the process set out in Part XI of the Planning & Development Act, 2000 (as amended) and Part VIII of the Planning & Development Regulations, 2001 (as amended).

## **2.0 Site Location and Description**

- 2.1. The site is a greenfield site on the south side of the R380/Athenry Road on the west side of Loughrea town in south Co. Galway. The site is on the opposite side of the road immediately south west of the Lough Rea Hotel & Spa.
- 2.2. The site has an area of 0.4213 hectares and is bounded to the north by the public road, to the east by the first of a row of houses addressing the public road, to the south and south east by residential development (St. Laurence's Fields and Meadowbrook Court) and internal vehicular circulation road, and to the north west by an undeveloped site. A foot/cycle path along the eastern boundary of the site connects the residential area and the Athenry Road.

## **3.0 Proposed Development**

- 3.1. The proposed development, as advertised in the Connacht Tribune on 2<sup>nd</sup> September 2022 as part of the Part VIII process, is the proposed construction of a fire station, site clearance works, a training tower, signage, landscaping, parking, connection to existing services, public footpaths, and all associated site development works.

## 4.0 Legislative Provisions

4.1. The following provisions are noted in relation to an application for a determination under article 120 of the Planning & Development Regulations, 2001 (as amended) which relates to a sub-threshold environmental impact assessment report (EIAR).

120(1)(a) – Where a local authority proposes to carry out a subthreshold development, the authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development.

120(1)(b) – Where the local authority concludes, based on such preliminary examination, that –

- (i) there is no real likelihood of significant effects on the environment arising from the proposed development, it shall conclude that an EIA is not required,

...

120(3)(b) – Where any person considers that a development proposed to be carried out by a local authority would be likely to have significant effects on the environment, he or she may, at any time before the expiration of 4 weeks beginning on the date of publication of the notice referred to in article 81(2), apply to the Board for a screening determination as to whether the development would be likely to have such effects.

120(3)(c) – An application for a screening determination under paragraph (b) shall, in order to be considered by the Board, state the reasons for the forming of the view that the development would be likely to have significant effects on the environment and shall indicate the class in Schedule 5 within which the development is considered to fall.

## 5.0 Applicant's Request for Direction

5.1. The proposed development was advertised in the Connacht Tribune on 2<sup>nd</sup> September 2022 as part of the Part VIII process by Galway Co. Co. The local authority had determined that an EIA was not required. The Board received a request from Atlantic Troy Ltd. on 28<sup>th</sup> September 2022 for a screening determination as to whether the development would be likely to have significant effects on the environment. The

applicant notes that the public notices give different 'latest dates' for submission of a request to the Board for a screening determination; 22<sup>nd</sup> September (site notice) and 29<sup>th</sup> September (newspaper notice) which may prejudice people.

5.2. The request for the direction can be summarised as follows:

- The proposed development is located adjacent to existing residential areas and a hotel. The noise sensitive nature of the location is clear. An 'expansion zone' would bring the proposed development closer to the eastern boundary. It is likely these noise sensitive locations will be adversely affected by noise and activity arising from a development of this nature. It is requested the Board has regard to this in its screening.
- No detail is given as to the hazardous materials that will be on site, how they are to be handled, or what impact any spillage or accident could have on the residential or hotel uses, or on ecologically sensitive areas. This is a defect that needs to be screened.
- The proposed site is approx. 600 metres from Lough Rea SAC/SPA. The AA screening reports that no impacts or effects are predicted to arise during operation. The applicant has concerns in relation to the structures and activities on site with respect to protected migratory birds using Lough Rea. No assessment has been carried out with respect to the 13.8 metres high training tower. The Board is asked to screen the development having regard to the conservation objectives of the SPA.

5.3. On 30<sup>th</sup> September 2022 the Board wrote to the applicant asking it to (i) indicate what class of development set out in schedule 5 to the Planning & Development Regulations, 2001 (as amended) the proposed development is considered to belong, and, (ii) a statement indicating the reasons why the applicant considers that the proposed development would be likely to have significant effects on the environment and a statement indicating the nature of such effects.

5.4. A response was received from Atlantic Troy Ltd. on 21<sup>st</sup> October 2022. It can be summarised as follows:

### *1. Class of development*

- 5.5. Schedule 5 Part 2 Class 10 (Infrastructure projects) (iv) of the Regulations refers to – ‘urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere’. The site area does not meet this criterion but class 15 refers to ‘any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7’.

### *2. Reasons and statement*

#### Bats

- 5.6. The site is described in the local authority’s Ecological Impact Assessment Report (EclA) as having negligible and low suitability for bats but there is no mention of connectivity with suitable foraging areas to the east e.g. hedgerows and a water body.
- 5.7. The high potential for commuting bats has not been taken into account. The potential for commuting bats should have been considered in lighting reports and plans.
- 5.8. Extensive high power lighting is proposed but there is no evaluation of recommended Lux levels for bats. Light pollution/spillage has not been mentioned in the EclA. No mention is made of best practice methods for evaluating lighting options for bats. There is minimal reference to bats in the local authority’s ‘Public Lighting Report’. There is no actual mitigation proposed just a mention of post-planning lighting design. This is not best practice. There is no mention of whether the mitigation work will actually be done. Lighting onsite must be designed for bats. The applicant would also expect to see a cumulative impact assessment of other projects in the area assessing lighting and noise to ecological receptors.

#### AA Screening

- 5.9. The AA screening lacks a full assessment of the potential for significant effects related to light, noise, car, and personnel numbers. The proposed development’s description in the local authority’s AA Screening Report lacks sufficient detail. No figure is provided which illustrates the detail of the proposed development in terms of proposed lighting and the extent to which it interacts with Lough Rea SPA or Slieve Aughty Mountains

SPA. With respect to the identification of potential effects the scoping of effects should provide more detail taking into account the likely effects during construction and operational phases. The Slieve Aughty special conservation interest hen harrier has been screened out just on distance. No sufficient description of noise or lighting has been provided to allow this species to be screened out. No detail is provided regarding what impact smoke from the training tower may have on protected species.

## 6.0 Galway County Council's Response

6.1. The local authority was notified of the applicant's submission by letter dated 26<sup>th</sup> October 2022. It was requested to (i) indicate if the proposed development has been or is intended to be subject to Part XI of the Planning & Development Act, 2000 (as amended) and Part VIII of the Planning & Development Regulations, 2001 (as amended) (and if so the local authority may wish to consider suspending same pending the Board's consideration of the request), (ii) provide the Board with a copy of all documentation related to the above-mentioned process if it has commenced, and, (iii) submit the information specified in Schedule 7A of the Planning & Development Regulations, 2001 (as amended) for the purposes of a screening determination. A response date of 16<sup>th</sup> November 2022 was cited. On 10<sup>th</sup> November 2022 the local authority sought an extension to this and an extension to 30<sup>th</sup> November 2022 was granted.

6.2. The local authority response was received on 29<sup>th</sup> November 2022. The local authority stated that the Part VIII process (LA 06/22) will be suspended pending the outcome of the applicant's request. A 'Response to Third Party Submission on EIA Determination Case ABP-314712-22' document, prepared by Planning Consultancy Services and dated November 2022, was received. The content of this can be summarised as follows:

- Relevant planning history is set out as is the policy context. Though now expired, the Loughrea Local Area Plan 2012-2018 (as extended) (LAP) is the most recent zoning framework. The site was primarily zoned for community facilities. Under the zoning matrix, 'buildings for the health, safety, and welfare of the public', were 'permitted in principle'. The proposed development is

consistent with the Galway County Development Plan 2022-2028. (Inspector's note – there does not appear to be any current LAP or zoning map for the town).

- The public notices issue does not appear to be of relevance to this EIA determination case.
- The site is bounded by a major arterial route for the town and there is a significant baseline noise level generated by this. Noise impacts are not likely to be significant due to the intermittent nature and duration of call-outs. The principle of urban development is established by adjoining houses and lapsed immediately adjacent permissions for a school and swimming pool/mixed-use development. The site can be described as urban infill. The existing fire station is on the corner of Barrack St. and Kelly's St. surrounded by residential use. The applicant owns the hotel. It is a late night venue and the occasional noise generated by the fire station would not adversely affect the hotel amenities. Noise is discussed in the Schedule 7A EIA and updated AA screening reports.
- The expansion zone merely indicates where a possible future extension could be accommodated.
- In relation to smoke from the training tower, no live fire training is to be conducted at the proposed station. The training tower will not generate any notable environmental issues.
- No chemicals will be stored on site as none are used as part of fire service operations, with the exceptions of fuel in fire appliance fuel tanks, cleaning products, and firefighting foam concentrate stored on fire appliances.
- The conclusions reached by the July 2022 AA screening report are justified. Notwithstanding, a Wintering Bird Survey and updated AA Screening Report are submitted. In relation to height, the 5 storeys high hotel building is 8.18 metres higher than the proposed training tower. The Wintering Bird Survey informed an update of the AA Screening Report and provides more detail on the conservation objectives of Lough Rea and Slieve Aughty SPAs.

- 6.3. The local authority's response was also accompanied by:
- an 'Environmental Impact Assessment Screening Report' issued by Planning Consultancy Services and dated November 2022 (which provides the requested Schedule 7A information),
  - an 'Updated Appropriate Assessment Screening Report' issued by Planning Consultancy Services and dated November 2022,
  - a 'Wintering Bird Survey' issued by Planning Consultancy Services and dated November 2022,
  - a 'Context Elevation – Section A-A' drawing, and,
  - a cover letter from the local authority's Senior Assistant Chief Fire Officer dated 28<sup>th</sup> November 2022.

## 7.0 **Assessment**

### 7.1. **Introduction**

- 7.1.1. The proposal is to construct a fire station and ancillary facilities on the urban edge of Loughrea. The question for determination by the Board is whether the proposed development requires environmental impact assessment to be carried out.
- 7.1.2. The following matters are considered relevant in the assessment of the requirement for the submission of an EIAR in this case:
- assessment of project type, class of development, and relevant thresholds under Schedule 5 of the Planning & Development Regulations, 2001 (as amended),
  - assessment of the proposal under the criteria set out in Schedule 7 of the Planning & Development Regulations, 2001 (as amended).

### 7.2. **Assessment of Project Type, Class of Development, and Relevant Thresholds**

- 7.2.1. The applicant considers that the proposed development falls within the scope of Schedule 5 Part 2 Class 10(b)(iv) of the 2001 Regulations (as amended) – 'Urban



development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere', having particular regard to Class 15 – 'Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7'.

- 7.2.2. A business district is defined in Class 10 as 'a district within a city or town in which the predominant land use is retail or commercial use'. Notwithstanding the presence of the hotel on the opposite side of the road to the north east, I consider that this area, in the context of the three areas cited in the class, can only reasonably be considered as part of the built-up area and, as such, the 10 hectare threshold applies. The site area is 0.4213 hectares. Therefore, the site area comprises 4.2% of the relevant threshold area i.e. a very small proportion of the threshold for a mandatory EIAR.
- 7.2.3. An assessment of the proposal under the criteria set out in Schedule 7 of the Planning & Development Regulations, 2001 (as amended) is provided below.

7.3. **Assessment of the proposed development under the criteria set out in Schedule 7**

- 7.3.1. Schedule 7 of the Planning & Development Regulations, 2001 (as amended) lists the criteria for determining whether a development would or would not be likely to have significant effects on the environment:
- characteristics of proposed development,
  - location of proposed development, and,
  - types and characteristics of potential impacts.
- 7.3.2. Each of these are assessed below. I have considered the documentation submitted by both the applicant and the local authority in my assessment, and I have also carried out a site inspection.

## **1. Characteristics of the Proposed Development**

### *1. Size and design of the proposed development*

7.3.3. The proposed development comprises the construction of a fire station (approx. 380sqm), site clearance works, a training tower, signage, landscaping, parking, connection to existing services, public footpaths and all associated site development works on a 0.4213 hectare greenfield site.

7.3.4. I consider the site area and the scale of the proposed development is typical of a standard, modern, fire station development and there is nothing unusual in the development description or the proposed scale of the development.

### *2. Cumulation with other existing or proposed development*

7.3.5. According to the local authority's response document permission has been granted for an extension to the hotel (P.A. Reg. Ref. 21/2208) and I note from the local authority's website that permission has been granted for 13 no. houses (P.A. Reg. Ref. 19/697) adjacent to the west. I do not consider there is any significant cumulative effect from these three developments should they all be constructed in tandem.

### *3. The nature of associated demolition works, the use of natural resources, the production of waste, pollution and nuisances, the risk of major accidents, and the risks to human health*

7.3.6. There is no demolition involved, bar removal of part of the low roadside boundary wall for vehicular accesses.

7.3.7. The proposed development is a standard construction project with no use of any significant natural resources, though an existing greenfield site would be lost. However this is an urban area site, suitably zoned under the most recent LAP.

7.3.8. Limited topsoil would be produced as a result of the construction process. This would be disposed of in accordance with a Construction Waste Management Plan. Foul waste during operation would discharge to the public system.

7.3.9. There would be normal temporary construction phase noise, dust, traffic etc. disruption as with any construction project. There would be normal fire station activity nuisances during the operational phase of development. The applicant refers to noise and light pollution in particular. I accept the local authority's position that there would only be occasional noise generated. I do not consider light pollution would be significant. I also

note the zoning as per the expired LAP, and the fact that fire stations are commonly located in areas where there is nearby residential development. The current fire station in Loughrea is very close to houses, notwithstanding its more central location in the town. In my opinion any noise or light, or any other nuisance, generated from the fire station development would not be such that it would trigger a requirement for submission of an EIAR.

7.3.10. I do not consider that there is any risk of major accidents or disasters from a development of the type proposed. It is a standard fire station development. The local authority has outlined that no undue hazardous substances would be kept on site and no live fire training would be conducted.

7.3.11. There are no undue risks to human health from development of the type proposed. I do not consider that there are any water contamination or air pollution concerns. Surface water would discharge to the public system via a petrol interceptor and attenuation tank.

## **2. Location of the Proposed Development**

### *1. The existing and approved land use*

7.3.12. The subject site is surfaced in grass and is on the edge of Loughrea. In the 2012-2018 (as extended) LAP it was primarily zoned for community facilities with 'buildings for the health, safety, and welfare of the public', permitted in principle. The proposed use would therefore have no undue environmental sensitivity with regard to its location.

### *2. Relative abundance, availability etc. of natural resources*

7.3.13. There are substantial areas of fields in the wider vicinity to the west and north of the site. This is an urban site and the use of it as a fire station would have negligible impact on the relative abundance, availability, quality, and regenerative capacity of natural resources in the area.

### *3. Absorption capacity of the natural environment*

7.3.14. Relevant subsection (c)(v) refers to the absorption capacity of areas classified or protected under legislation e.g. European sites. An AA screening report was prepared for the local authority's Part VIII process and an updated report was provided to the Board which is informed by a wintering bird survey which was carried out on 14<sup>th</sup> November 2022. The closest European sites are Lough Rea SAC (one qualifying

interest; hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]) and Lough Rea SPA (three special conservation and qualifying interests; shoveler, coot, and wetlands and waterbirds). Lough Rea is also a proposed Natural Heritage Area, and the closest pNHA/NHA. The applicant also referred to one of the two special conservation interest species of Slieve Aughty Mountains SPA (hen harrier, the other being merlin).

- 7.3.15. In the submitted AA screening report a connection between the site and the SAC was ruled out due to the lack of connection, the distance between the respective sites (approx. 600 metres), the nature of the built-up environment, the flat topography, and the connection to the public surface water and foul networks. Similar reasons were set out for justifying the absence of a possible impact with Lough Rea SPA, plus the lack of intervisibility between the site and the SPA, and the height of the existing hotel building. Potential impact to Slieve Aughty SPA has been ruled out because of the lack of connection and the significant separation distance (approx. 4.4km). The updated screening report specifically refers to hen harriers. It states that hen harriers are biased toward moorland/grassland mosaic habitats and the proposed site has a low suitability for foraging. In addition, hen harriers are unlikely to be found within 100 metres of active buildings according to the updated report. The updated screening report concludes that 'no significant effects are expected on the qualifying interests or conservation objectives of the surrounding Natura 2000 sites ... alone or in combination with other plans and projects in the area'.
- 7.3.16. Notwithstanding that potential impact on European sites is a matter for the appropriate assessment process rather than EIA, in my view, having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location immediately adjacent to residential development, an urban regional road, and close to a hotel, and relatively remote from and with no hydrological pathway to any European site, I consider that no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on any European site.
- 7.3.17. The applicant has referenced the impact on bats as a result of the proposed development. As part of the Part VIII documentation an 'Ecological Impact Assessment Report' (EclA) was issued by Planning Consultancy Services dated July

2022. Bats are specifically referred to in section 4.2. It states the site was rated to have low potential for bat roosting, foraging, and commuting. Having regard to the lack of vegetation, hedgerows, and structures on site, I agree that bats are not an undue species of concern on this site.

- 7.3.18. Subsection (c) (vii) refers to the absorption capacity of densely populated areas. While not a particularly densely populated area, the proposed development would be easily absorbed into the surrounding environment. This is an urban-type development of relatively limited scale proposed on a site that is at the urban edge of the town, and would not extend urban creep. There is commercial use to the north and residential development to the south, east, and west of the site.
- 7.3.19. Notwithstanding the foregoing, the proposed development would have no impact on the other relevant areas cited in Schedule 7 under 'Location of proposed development', subsection (c) e.g. wetlands, riparian areas, coastal zones, marine environment, mountains, forest areas, and historic landscapes.
- 7.3.20. I consider that the proposed site and the general area has the capacity to absorb the proposed development without generating significant effects on the environment and therefore requiring an EIAR.

### **3. Type and Characteristics of Potential Impacts**

#### *1. Nature, magnitude, and extent of the impact*

- 7.3.21. The extent of the impact in terms of geographical area impacted and the size of the population likely to be affected is limited. The fire station site comprises an area of 0.4213 hectares, only 4.2% of the relevant 10 hectares EIAR area threshold. There would be construction phase related impacts, but these would be localised, of relatively short duration and capable of effective mitigation by good construction practices and best practice mitigation measures. I do not consider the operational phase would result in any undue or ongoing nuisance. The proposed development of a fire station is a normal public service in urban areas. The local authority refers to Policy Objective EMS 1 of the Galway County Development Plan 2022-2028 which is 'To facilitate and encourage the accommodation of emergency services including fire services and rescue services, in locations that facilitate ease of access, effectiveness and safety'. The most recent LAP identified this site as a location for such a service, and I consider it complies with the provisions of EMS 1.

- 7.3.22. An EclA was prepared for the Part VIII process. This concluded there would be no significant effects on the flora and fauna of the existing environment. Having regard to the urban location and the nature of the site, I do not consider the proposed development would have any undue adverse impact on biodiversity at this location. European sites and bats are addressed in sections 7.3.14-7.3.17 of this inspector's report.
- 7.3.23. The proposed development would result in negligible impacts on land and soil having regard to the limited size of the site and would not have any significant impact on the environment. There is no watercourse on site that would be impacted. Standard construction phase mitigation would be in place in terms of risk to groundwater. The site is not at any flood risk as set out in map 3A (Flood Risk Management) of the expired LAP. During operation surface water would discharge to the public system via a petrol interceptor and attenuation tank. There is potential for relatively limited impacts on air and climate to occur during the construction phase. Having regard to the temporary nature of the construction works, these impacts would be relatively short term and capable of effective mitigation through good construction practice. I do not consider any significant impact to land, soil, water, air, and climate would occur during the operational phase such as would require the submission of an EIAR.
- 7.3.24. I consider that a modern fire station would increase the quality of the material assets available to Loughrea and its residents. Proximity to a modern fire station would be of benefit in certain circumstances. I do not consider it would result in a deterioration to any existing material assets. There would be no impact to cultural heritage. There are no protected structures or recorded monuments that would be affected by the proposed development. The general area is of no particular scenic value and there would be no landscape impact given the relatively limited size and scale of the proposed development in this urban environment. No scenic view as set out in the Galway County Development Plan 2022-2028 is affected.
- 7.3.25. There is limited potential for interaction between the various environmental factors. Significant interactions are not considered likely or such that would give rise to likely additional environmental impacts.

*2. Probability, intensity, and complexity of the impacts*

7.3.26. Having regard to the limited scale of the proposal, I consider that there is negligible probability of impacts, and the nature of environmental impacts would not be complex or intense.

*3. Expected onset, duration, frequency, and reversibility of the impact*

7.3.27. Having regard to the nature of the proposed development, it is expected that the impacts will be on-going, long term, and will generally only be reversible if the constructed elements of the scheme are removed. The construction phase impacts would be of short duration.

*4. Transboundary nature of impact*

7.3.28. There would be no transboundary impacts associated with the proposed development.

*5. Cumulative impacts*

7.3.29. The site is in an urban area. Other relatively substantial construction projects that could act in-combination with the proposed development are referenced in section 7.3.5 of this inspector's report. I am not aware of any other existing/permitted projects in the vicinity of the site that would act in-combination with the proposed development to generate significant cumulative impacts. The Environmental Impact Assessment Screening Report submitted by the local authority to the Board states 'No cumulative effects are identified'. I have had regard to the status of the surrounding lands, which are largely in use for residential and some commercial purposes, and I am satisfied that the proposal would not give rise to concerns in relation to significant cumulative effects.

*6. Possibility of effectively reducing impact*

7.3.30. Implementation of standard best practice methodologies during the construction phase of the proposed development will result in a reasonable probability of effectively reducing potential impacts.

## 8.0 Conclusion and Recommendation

8.1. Having regard to the characteristics of the proposed development, the location of the proposed development, and the type and characteristics of potential impacts, I consider that the proposed development of a fire station on the western edge of Loughrea would not be likely to have significant effects on the environment. I therefore recommend that Galway County Council be advised that the preparation and submission of an environmental impact assessment report is not required.

## 9.0 Reasons and Considerations

9.1. Having regard to the following:

- (a) the criteria set out in Schedule 7 of the Planning & Development Regulations, 2001 (as amended),
- (b) the nature and limited scale of the proposed development,
- (c) the limited potential for significant effects on the environment,
- (d) the submission of the local authority, and,
- (e) the report and recommendation of the inspector,

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report is not, therefore, required.

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Anthony Kelly

Planning Inspector

5<sup>th</sup> January 2023