



An
Bord
Pleanála

Inspector's Report

ABP-317336-23

Development	Construction of a two-bay fire station with ancillary accommodation, drill yard, drill tower, and all associated works
Location	Cloneen, Manorhamilton, Co. Leitrim
Local Authority	Leitrim County Council
Type of Application	Application for approval made under section 177AE of the Planning & Development Act, 2000 (as amended) (local authority development requiring appropriate assessment)
Prescribed Bodies	<ol style="list-style-type: none">1. Transport Infrastructure Ireland (TII)2. Department of Housing, Local Government and Heritage
Observer(s)	None
Date of Site Inspection	27 th July 2023
Inspector	Anthony Kelly

1.0 Introduction

- 1.1. Leitrim County Council is seeking approval from An Bord Pleanála to construct a two-bay fire station, drill yard, drill tower, and ancillary works within Lough Gill Special Area of Conservation (SAC) which is a designated European site. A Natura Impact Statement (NIS) and application under section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on a European site.
- 1.2. Section 177AE of the Planning & Development Act, 2000 (as amended), requires that where an appropriate assessment (AA) is required in respect of development by a local authority the authority shall prepare a NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Section 177V of the Act requires that the AA shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the AA shall be carried out by the Board before consent is given for the proposed development.

2.0 Site Location and Description

- 2.1. The site is a greenfield site located on the north side of the N16 road, on the western outskirts of the town of Manorhamilton, in north Co. Leitrim.
- 2.2. The Manorhamilton wastewater treatment plant (WwTP) is immediately to the north east of the site and a substantial recycling centre is also located north east of the site. Vehicular access to these facilities, and the subject site, is via a short cul-de-sac along the eastern boundary of the subject site. There are also bring banks located along the cul-de-sac opposite the subject site. The cul-de-sac is located off the N16 within the 60kph speed limit area. There are agricultural fields to the north and west of the subject site, and on the opposite side of the N16 to the south. Ground levels on site slope slightly downwards in an east to west direction. The site area is fenced off from the larger field of which it forms part.
- 2.3. The site has an area of 0.376 hectares.

3.0 Proposed Development

3.1. The proposed development comprises:

- construction of a two-bay fire station with ancillary accommodation,
- formation of a drill yard and drill tower, and,
- all ancillary works associated with the above to include fencing, landscaping, car parking and aprons, attenuation lagoon, storm outfalls, service connections, street lighting, road markings and signage on the N16 national primary road, and new site access from the N16 and from a local access road.

3.2. The application is accompanied by:

- A Planning Report prepared by Rhatigan Architects dated May 2023 which includes an NIS attached as appendix C,
- design drawings prepared for the planning authority, and,
- a list of prescribed bodies notified of the proposed development and copies of public notices.

3.3. The construction phase is expected to take 40 weeks.

4.0 Planning History

4.1. The Leitrim Co. Co. online planning viewer does not show any planning application at or in the close vicinity of the subject site.

5.0 Legislative and Policy Context

EU Habitats Directive (92/43/EEC)

5.1. This Directive deals with the conservation of natural habitats and of wild fauna and flora throughout the EU. Articles 6(3) and 6(4) require an AA of the likely significant effects of a proposed development on its own and in combination with other plans and

projects which may have an effect on a European site (SAC or Special Protection Area (SPA)).

European Communities (Birds and Natural Habitats) Regulations 2011 (as amended)

- 5.2. These consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations in particular require in article 42(21) that where an AA has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for AA under its own code of legislation is required to take account of the AA of the first authority.

Planning & Development Act, 2000 (as amended)

- 5.3. Part XAB sets out the requirements for AA of developments which could have an effect on a European site(s) or its conservation objectives.
- 177AE sets out the requirements for AA of developments carried out by or on behalf of local authorities.
 - Section 177AE (1) states where an AA is required in respect of development the local authority shall prepare, or cause to be prepared, a NIS in respect of the proposed development.
 - Section 177AE (2) states that a proposed development in respect of which an AA is required shall not be carried out unless the Board has approved it with or without modifications.
 - Section 177AE (3) states that where a NIS has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the AA.
 - Section 177V (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.

- Section 177AE (6)(a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received, and any other information relating to:
 - (i) the likely effects on the environment,
 - (ii) the likely consequences for the proper planning and sustainable development of the area, and,
 - (iii) the likely significant effects on a European site.

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (2010)

- 5.4. This guidance is intended to assist and guide planning authorities in the application of articles 6(3) and 6(4) of the Habitats Directive as it relates to their roles, functions, and responsibilities in undertaking AA of plans and projects. It applies to plans and projects for which public authorities receive an application for consent, and to plans or projects which a public authority wishes to undertake or adopt.

Leitrim County Development Plan 2023-2029

- 5.5. Section 7.8.7 of volume I (Written Statement) refers to the fire service. Objective FS OBJ 2 is ‘To facilitate the development of a new fire station on a site identified in the Manorhamilton land use zoning objectives map subject to the undertaking of the necessary environmental assessments as part of the planning consent process’.
- 5.6. Volume II of the Plan contains settlement plans including for Manorhamilton. Within its social and community infrastructure objectives is MHN 24; ‘Relocate the Fire Station to the site identified with a ‘Utility’ land use zoning objective on the Sligo Road’. Volume III contains maps. Map no. 14 identifies the site as being zoned ‘Utilities’ which has a zoning objective ‘To provide land for public infrastructure and public utilities’. Map No. 15 is an ‘objectives map’ and the site is designated MHN 24.

6.0 Consultations / Observations

- 6.1. The application was circulated to the following prescribed bodies by Leitrim Co. Co.:
- Development Applications Unit (Government Offices)

- Transport Infrastructure Ireland (TII)
- Inland Fisheries Ireland
- Irish Water
- The Heritage Council
- An Taisce

6.2. No observations were received by the Board from third parties on foot of the public notices. However, two submissions were received from bodies notified by the planning authority. These can be summarised as follows:

1. Transport Infrastructure Ireland (TII)

6.3. TII supports the project but highlights that two new accesses to the N16 are proposed where there is a complicated speed limit regime. TII records indicate an access is sought in an approved 100kph location and another in a 60kph location but in very close proximity to an existing access to Council facilities. The 'on the ground' posted limit is 80kph and not the approved limit. The posted limit appears to have formed the basis of assessments. The proposed arrangement of accesses within multiple speed limits, the existing road characteristics, and nature of proposed and existing uses needs careful assessment.

6.4. Official policy is to avoid creation of additional access points to national roads where there is a speed limit greater than 60kph. This is noted in the applicant's Planning Report. Alteration of the speed limit as proposed requires implementation of Dept. of Transport guidelines, entering of the process by members of the planning authority, and approval by TII. 'The setting of speed limits is ultra vires to the Planning Acts'. TII is unable to ascertain if the speed limit issue has been adequately addressed and references the approved speed limit and the Road Safety Audit (RSA) feedback form.

6.5. TII identified the potential for policy and safety conflict at this site during the preparation process of the current development plan. TII welcomes that the local authority has identified in its Planning Report that there are policy issues to resolve in relation to the proposed access. It is considered that policy, procedural, and safety issues need to be clarified and resolved.

6.6. TII can specify standards in relation to design, construction, and maintenance works to a national road. There is a requirement for a 'Design Report' to be submitted, the purpose of which is to address and present issues relating to compliance with standards. A report is required for the modifications to the N16, but TII has no record of same.

6.7. TII recommends resolution of the foregoing matters.

2. Department of Housing, Local Government and Heritage

6.8. This submission relates to archaeology. The Department concurs with the recommendations outlined in the archaeological assessment and recommends that an archaeological condition is included in any grant.

7.0 **Assessment**

1. The likely consequences for the proper planning and sustainable development of the area

7.1. The proposed development would provide a new fire station for Manorhamilton and the surrounding area on Council-owned land. Section 1.2 of the applicant's Planning Report sets out the twenty-year background to and rationale for the proposed development. A number of deficiencies in the existing station are set out and 'The provision of a new station is the only way in which the outstanding serious deficiencies ... can be satisfactorily addressed'.

7.2. The relevant planning framework strongly supports the proposed development. Objective FS OBJ 2 of the Leitrim County Development Plan 2023-2029 is 'To facilitate the development of a new fire station on a site identified in the Manorhamilton land use zoning objectives map subject to the undertaking of the necessary environmental assessments as part of the planning consent process'. In the Plan the site is zoned for utilities, whose zoning objective includes the provision of land for public infrastructure, and map 15 has an objective on site (MHN 24) to 'Relocate the Fire Station to the site identified with a 'Utility' land use zoning objective on the Sligo Road'.

7.3. Having regard to the foregoing, and the justification for the proposed development as set out in the Planning Report, I am satisfied that the proposed development would

fully accord with the relevant planning framework, would substantially improve the firefighting facilities available in Manorhamilton, would benefit the wider community, and would be in accordance with the proper planning and sustainable development of the area.

2. The likely effects on the environment

- 7.4. An 'Environmental Impact Assessment Screening Report', prepared by the planning authority's Senior Planner dated 28th February 2023, is attached as appendix D to the applicant's Planning Report. The proposed development is substantially under the relevant 10-hectare threshold of urban development infrastructure projects requiring EIA as outlined in schedule 5 part 2 (10)(b)(iv) of the Planning & Development Regulations, 2001 (as amended). The report also considers whether a sub-threshold EIA is required. Further to assessing the characteristics, the location, and the types and characteristics of potential impacts of the proposed development the applicant considers that 'the environmental effects of the project are not likely to be significant ... It is therefore concluded that there is no real likelihood of significant effects on the environment arising from the development', and an environmental impact assessment report (EIAR) is not required.
- 7.5. Having regard to the relatively limited size of the site area and limited scale of structural intervention in the landscape, the site location on the edge of the town adjacent to existing utilities, the absence of any emissions, and the nature of the activities to be carried out which are typical of fire stations in urban areas, I agree with the applicant that EIA can be screened out for the proposed development.
- 7.6. Notwithstanding, aspects of the proposed development that could have effects on the environment are addressed in this section.

Site Layout and Design of Structures

- 7.7. The 0.376 hectare site has a slightly irregular shape but not so that it results in any difficulty in accommodating the required structures or circulation space. The proposed station is located towards the front/roadside of the site with a substantial drill yard area to the rear. A drill tower is located in the north west corner. It appears the front area of the site is to remain open but the areas to the sides and rear of the fire station structure itself are to be gated/fenced. Landscaped areas and an attenuation lagoon are

provided around the perimeter of the site except where vehicular access/circulation is required. The site is in a prominent location on approach to the town.

- 7.8. The proposed fire station can accommodate two fire tenders with ancillary accommodation areas e.g. storage, welfare facilities, gym, office, and lecture room, over two floors to both sides of the garage area. The structure has a maximum height of 8.8 metres with a 'butterfly' roof. External finishes are rendered concrete and red corrugated cement board material. It is a modern design but not untypical of such public facilities. As well as standard drawings some 3D illustrations are contained on page 30 of the Planning Report.
- 7.9. The proposed four-storey drill tower is 13.085 metres high, plus an additional approx. 3 metres high mast, and it has an attached single-storey store. The footprint of this structure is limited, and external finishes are similar to the fire station itself. The drill tower and yard are to be used for training purposes.
- 7.10. I do not consider that there is any concern with the site layout and proposed design, in principle. This is a critical piece of public infrastructure and would be typical of similar facilities around the country. It would have no adverse impact on adjacent properties and land uses.

Traffic and Transportation

- 7.11. Traffic and transportation is a significant issue having regard to the location of the speed limits, and the TII submission. The relevant issues are set out below under appropriate sub-headings.

Speed limits

- 7.12. The subject site is currently accessed using the same cul-de-sac roadway as the WwTP, the recycling centre, some agricultural fields, and the bring banks. The existing vehicular entrance to the subject site is located in close proximity to the entrance to the WwTP. The cul-de-sac/N16 junction is within the transitional 60kph speed limit zone. A 60kph/80kph sign is positioned along the front boundary of the subject site, approximately 30 metres west of the junction. However, both the proposed and 'on paper' regimes are more complex and, notwithstanding the posted 80kph speed limit, TII's records show that the proposed main entrance is within an approved 100kph speed limit zone.

- 7.13. Two new access points are proposed from the fire station development directly onto the N16. A staff entrance to the car park is proposed on the eastern end of the roadside boundary and an approximately 24 metres wide entrance is proposed centrally along the roadside boundary for the fire tenders and access to the drill yard. The existing 60kph/80kph speed limit sign is currently located between both proposed entrances.
- 7.14. The proposed development would require the extension of the transitional speed limit further to the west to ensure both proposed entrances are within the 60kph transitional speed limit. This would be required to be consistent with the Spatial Planning and National Roads Guidelines for Planning Authorities (2012). Section 2.5 states, inter alia, 'The policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply'. I note that this is adhered to in the Leitrim County Development Plan 2023-2029. Policy TRAN POL 5 states it is policy 'To avoid the creation of any additional access point from new development/intensification of traffic from existing entrance onto national roads outside the 60kph speed limit'. It is stated on page 18 of the Planning Report that 'it is proposed to extend slightly the speed limit so that the entire site is wholly contained within the transitional speed limit area'. The proposed site plan (drawing no. 19077.A.003) shows a 'proposed location of speed limit sign' at the south west boundary of the site i.e. with both proposed access points within the 60kph transition zone.
- 7.15. As per the TII submission, the process for altering speed limits is set out in Guidelines for Setting and Managing Speed Limits in Ireland (2015) published by the Department of Transport, Tourism and Sport. Section 9 (1) of the Road Traffic Act, 2004 (as amended) states, inter alia, that a county council may make bye-laws ('special speed limit bye-laws') specifying in respect of any specified part of a public road within its administrative area the speed limit which shall be the speed limit on that road. The power to make special speed limit bye-laws is vested in the elected members of local authorities. Section 3.2 of the Guidelines states that a local authority 'may carry out a review of any speed limit and publish a Special Speed Limit bye-law within its administrative area at any time where it is deemed necessary or appropriate to do so, particularly on the grounds of safety'. Notwithstanding, approval is required by TII prior to the moving of the speed limit.

7.16. In so far as it relates to this application, I consider that an appropriate condition can be included in any approval that may issue relating to the extension of the 60kph speed limit zone on the N16 at Manorhamilton given that:

- the applicant is the local authority which, itself, has the power to extend the speed limit having followed the appropriate process,
- the TII, who are required to approve the moving of the speed limit, broadly 'welcomes and supports this project' as per their submission, and,
- the extension would facilitate the provision of critical public infrastructure in a suitably zoned site and it is strongly supported by the planning framework.

7.17. If the planning authority did not have the ability, itself, to extend the speed limit my recommendation would have been to refuse to grant approval for the development given the location of the proposed main entrance outside the 60kph speed limit area which would be contrary to both government policy on access to the national road network and Leitrim County Development Plan 2023-2029 policy.

7.18. Notwithstanding, subject to a condition relating to the extension of the speed limit prior to the operational stage, I consider this would address the speed limit issue.

Traffic hazard and safety

7.19. TII has expressed concern that agreed recommendations addressing matters raised in the submitted RSA have not been presented in plan or detail form. A stage 1 RSA prepared by CTS Group and dated February 2022 was submitted as appendix A to the Planning Report. The RSA identified two general and five specific problems.

7.20. The first general problem is the multiple N16 junctions in close proximity. The RSA recommended a single junction. This recommendation was not accepted by the applicant as access directly onto the N16 is required for emergencies, though an exit gate for staff car parking to exit onto the N16 via the cul-de-sac was provided. This reasoning was accepted by the auditors. The second issue was the absence of warning signage for the fire station. Fire station access signage in both directions is shown on the sightlines layout (drawing no. 19077.A.004).

7.21. The specific problems related to a steep access at the existing cul-de-sac, sightlines towards Manorhamilton, the 80kph speed limit, overtaking, and public lighting. The applicant agrees with two of the RSA recommendations i.e. moving the speed limit

sign and provision of a solid 'no overtaking' centre line at this location. I consider that moving the speed limit is fundamental to the application. Both of these are illustrated on the proposed site plan. The applicant does not believe there is any issue with the steep access of the cul-de-sac and the auditors have accepted the reasoning behind this. The sightline issue relates to the sightline toward Manorhamilton but the local authority 'believe there is no issue with the current sightline from the access road'. The final issue relates to lighting as the urban lighting environment at night does not extend to the site therefore approaching motorists may travel at inappropriate speeds. Additional lighting is proposed at this location which is accepted by the auditors.

- 7.22. I understand TII's concern with the proposal for three separate junctions in close proximity along the N16. However, I also accept the applicant's rationale for fire tenders accessing directly onto the N16 rather than having to contend with WwTP, recycling centre, and bring bank traffic prior to accessing the N16. In addition I note that the middle/staff junction is an entrance with an exit via the cul-de-sac which would reduce the potential for conflict. The relocated speed limit (the details of which have been addressed), the solid centre line, and the additional roadside lighting are all shown on the proposed site plan and fire station warning signage is shown on the sightline plan. Therefore, in my opinion, these TII concerns are addressed.
- 7.23. TII states that, currently, the proposed fire tender entrance/exit is within an approved 100kph area. For some reason, which neither the local authority nor TII has explained, this is currently an 80kph speed limit area. I consider that this is a matter between the local authority and TII. This application for approval is based on the situation as exists on the ground, though I do consider that the approved 100kph limit is an issue in relation to sightlines.
- 7.24. Limited reference is made to sightlines in the application documentation apart from the local authority disputing the RSA statement that sightlines are restricted by signage and hedging in an easterly direction at the existing cul-de-sac junction. I note that the RSA makes no reference to sightlines in a westerly direction at the proposed fire station exit location. The N16 west of the proposed fire station is relatively straight and flat for a significant distance. The full extent of sightlines in this direction are shown on the sightline layout; drawing no. 19077.A.004. This illustrates sightlines of 160 metres. 160 metres is the 'desirable minimum stopping sight distance' for an 85kph design speed, it is 'one step below desirable minimum' for a 100kph design speed, and it is

'two steps below desirable minimum' for 120kph design speed, as per table 1.3 of the Rural Road Link Design (2017) published by TII.

7.25. I am satisfied that the proposed development, if approved, would not have any significant undue adverse impact on traffic hazard or traffic safety. The RSA did not cite any concern about sightlines to the west of the site, 160 metres sightlines are available in this direction, warning signage is to be erected, a continuous centre line is to be provided, and the 60kph speed limit is to be extended out from the urban area. However, I note that it is open to TII to refuse to approve the extension of the 60kph speed zone should it feel a traffic hazard would result, or for another reason. While it is not good practice, normally, to attach a condition to a grant that is outside the applicant's ability or power to comply with, I consider that the circumstances in this situation i.e. that the applicant itself has the power to extend speed limits with the approval of TII which broadly supports the development, dictate that it is appropriate. I do not consider that the proposed development would result in an undue traffic hazard or would adversely affect traffic safety, and I note that a Senior Executive Engineer in the local authority's Roads Department engaged with the recommendations of the RSA.

Design report

7.26. TII's submission states it may specify standards in relation to design, construction, or maintenance works to be complied with when carrying out such works. This includes the requirement for a 'Design Report' for the modifications to the N16. However, TII has no record of such a report.

7.27. The TII publication referred to in the submission, 'Design Phase Procedure for Road Safety Improvement Schemes, Urban Renewal Schemes and Local Improvement Schemes' (DN-GEO-03030) states that it 'is to be used for the design phase of all schemes on national roads ...' Given that a stage 1 RSA was submitted, and planning approval has not been secured, I consider it unlikely that the local authority has reached the design phase with the proposal. I consider that this is a matter between the local authority and TII to be addressed at post-approval stage and I do not consider a condition in relation to this is warranted. The existence of a condition, or its omission, does not free a developer from their responsibilities under other codes or legislation.

Access points and circulation

- 7.28. There are two distinct separate circulation areas within the site layout. The staff entrance, which is the closer of the two entrances to the N16/cul-de-sac junction, only accesses the car parking area. This is a one-way system where egress is by way of the existing agricultural track along the north east boundary. It is unclear if this track is to be improved, but it should be upgraded to a suitable standard by way of condition. It can currently only accommodate a single vehicle and it has grass growing along the centre of the track. This track joins the main cul-de-sac and vehicles would exit from the existing junction.
- 7.29. Fire tenders entering the fire station would both enter and exit directly off the N16. Vehicles using the drill yard would also enter from the N16 but I note they could exit the site either to the N16 or by way of the staff exit along the north east boundary. Further to previous subsections in this Traffic and Transportation section, I consider the access points are acceptable as is the proposed circulation.

Car parking

- 7.30. Maximum car parking standards are set out in table 13.6 of the Leitrim County Development Plan 2023-2029. I do not consider that any of the land uses cited are equivalent to a fire station use. Fifteen spaces are proposed. Page 8 of the applicant's Planning Report states that it is proposed to accommodate approximately 11-13 staff members. I consider the car parking provision is acceptable.

Access to existing adjacent field

- 7.31. Though the existing site entrance would be removed, the field adjoining the west of the site, of which the site originally formed part, can be accessed from an existing agricultural entrance at the northern point of the fire station site approximately 20 metres west of the proposed staff exit.

Archaeology

- 7.32. An 'Archaeological Impact Assessment' prepared by Fadó Archaeology and dated 4th May 2023 has been submitted as appendix B of the Planning Report. There are no recorded archaeological sites or monuments within the area and no further finds or features of archaeological significance were noted on site. It is recommended that any development be subject of pre-development test trenching.

- 7.33. A submission was received by the Board from the Department of Housing, Local Government and Heritage relating to archaeology. The Department concurs with the recommendations made.
- 7.34. I consider that a standard archaeological condition should be attached to any grant of permission.

Water

- 7.35. This heading covers a number of different environmental factors and these can be assessed separately.

Surface water

- 7.36. A 'Drainage Design Report' prepared by CST Group and dated May 2023 was submitted as appendix J of the Planning Report. It is likely that surface water currently discharges to an open drain along the roadside boundary. On my site inspection this drain was overgrown. It is likely this stream discharges to the Owenmore River which flows in a westerly direction south of the subject site. The Owenmore discharges into the River Bonet west of the subject site.
- 7.37. The proposed drainage strategy involves discharging surface water to the open drain along the roadside at pre-development runoff rates by way of a hydrobrake. A gravity piped system will collect and convey surface water to an appropriately sized open lagoon. Hydrocarbons will be removed by a petrol interceptor prior to outfall. A section of the existing open drain will be piped.
- 7.38. I am satisfied surface water will be adequately disposed of.

Flood risk

- 7.39. A 'Site Specific Flood Risk Assessment' prepared by Punch Consulting Engineers dated May 2023 is submitted as appendix H to the Planning Report. This concludes that the subject site is in Flood Zone C. Flood Zone C is where the probability of flooding from rivers and the sea is low (less than 0.1% or 1 in 1000 for both river and coastal flooding), and includes all areas that are not in zones A or B. The subject site is deemed appropriate for the proposed development and it 'will not increase the risk of flooding elsewhere'. I do not consider flood risk to be a concern at this location.

Foul water

7.40. The submitted foul drainage layout plan (Drawing No. 119-247-502) shows foul water from the fire station, plus runoff from the wash bay and yard, being pumped directly into the adjacent Manorhamilton WwTP via an on-site pumping station. The planning authority notified Irish Water of the application but no submission from Irish Water has been received by the Board. Notwithstanding, I note that an Irish Water response to a pre-connection enquiry was submitted with the application which states that there is sufficient capacity to accommodate the proposed wastewater (and water) connection. I have no concern in relation to foul water treatment.

Biodiversity

7.41. The site forms the fenced off eastern section of a larger field. It is a greenfield, vegetation covered field with the exception of a gravel surfaced area inside the vehicular entrance gate. There are some smaller trees and hedgerows along the roadside and north eastern site boundaries.

7.42. The applicant has not submitted an ecological impact assessment or any biodiversity-related report with the exception of the NIS. I note that the Planning Report and associated appendices refers to the proposed attenuation lagoon contributing to the habitat and biodiversity of the site and it is proposed to sow the green areas with tall wild grasses for screening and environmental purposes.

7.43. Having regard to the unremarkable nature of the existing site, its zoning, and the immediately adjacent land uses, I do not consider that the proposed development would have an undue adverse impact on biodiversity in the area. I note that some landscaping detail is provided on the proposed site plan drawing.

3. The likely significant effects on a European site

7.44. The areas addressed in this section are as follows:

- Compliance with article 6(3) of the EU Habitats Directive
- The Natura Impact Statement (NIS)
- Appropriate Assessment (AA)

7.45. The site subject of this application is located within the boundary of Lough Gill SAC, the north eastern, eastern, and southern boundaries of the site also forming part of the SAC boundary.

Compliance with article 6(3) of the EU Habitats Directive

7.46. The Habitats Directive deals with the conservation of natural habitats and of wild fauna and flora throughout the EU. Article 6(3) of this directive requires that any plan or project not directly connected with or necessary to the management of a European site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to AA of its implications for the site, in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

7.47. The proposed development is not directly connected to or necessary to the management of any European site and is therefore subject to the provisions of article 6(3).

The Natura Impact Statement (NIS)

7.48. The NIS was prepared by Woodrow Sustainable Solutions Ltd. (Woodrow) on behalf of the local authority and is dated May 2023. It is attached as appendix C to the applicant's Planning Report.

7.49. The NIS, inter alia, outlines the legislative background to AA, describes the project site and proposed works, screens the project for AA, describes European sites and qualifying interests (QIs) potentially effected, assesses the potential effects, considers in-combination effects, outlines mitigation measures, and reaches a conclusion. A separate AA screening report has not been provided. Instead, AA screening is addressed within chapter 3 (Screening for Appropriate Assessment) of the NIS. The screening determination concluded that there is the potential for significant effects on Lough Gill SAC.

7.50. The NIS was informed by a desk study and a field survey carried out on 28th September 2021. Other notable reports submitted with the application include a Construction & Environmental Management Plan (CEMP, also prepared by Woodrow,

dated January 2023 and included as appendix G to the Planning Report) and a Drainage Design Report.

- 7.51. The NIS states, in conclusion, that 'The Natura 2000 Site, Lough Gill SAC and its QIs within the Zone of Influence were assessed as part of the Natura Impact Assessment process ... it is considered that the Proposed Development will not have an adverse effect on the integrity of any Natura 2000 Site'.
- 7.52. I note that no observation or submission has been received from any prescribed body or third party that relates to impact on a European site.
- 7.53. Having reviewed the NIS and the supporting documentation I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and does use best scientific information and knowledge. Detail of mitigation measures are provided in section 7. I am satisfied that the information is sufficient to allow for AA of the proposed development.

Appropriate Assessment

Stage 1 (Screening)

- 7.54. Section 177AE of the Planning & Development Act, 2000 (as amended), sets out the requirements for AA of development to be carried out by or on behalf of a local authority. Section 177AE(3) states that where a NIS has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the AA. There is no requirement for the Board to undertake screening in these cases as it is presupposed that the local authority has established the need for AA through its own screening process (unless issues arise as to the adequacy or otherwise of the screening determination by the applicant). Nonetheless, it is considered prudent to review the screening process to ensure alignment with the site(s) brought forward for AA and to ensure that all site(s) that may be affected by the development have been considered.
- 7.55. A 15km radius from the application site is the distance normally used for considering the potential for impact of a proposed development on a European site, as used in chapter 3 of the submitted NIS, though this can be extended or reduced depending on the type and scale of the proposed development, the nature of the European sites etc.

Having regard to the information available, the nature, size, and location of the proposed development, its likely direct, indirect, and cumulative effects, the source-pathway-receptor principle, and sensitivities of the ecological receptors, the only European sites that I consider relevant for inclusion for the purpose of initial screening on the basis of likely significant effects are those in proximity (within 5km) or those that have a plausible hydrological link. The European sites that meet these criteria are:

Table 1 – European sites considered at the screening stage.

European site (site code)	Qualifying interests (QIs) / special conservation interests (SCIs)	Distance	Source / pathway / receptor link?	Considered for stage 2 AA?
Lough Gill SAC (001976)	<p>Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>White-clawed crayfish [1092]</p>	The site is within the SAC boundary	Yes, location and hydrology	Yes

	Sea lamprey [1095] Brook lamprey [1096] River lamprey [1099] Salmon [1106] Otter [1355]			
Arroo Mountain SAC (001403)	Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Blanket bogs (* if active bog) [7130] Petrifying springs with tufa formation (Cratoneurion) [7220] Calcareous and calcshist screes of the montane to alpine levels (<i>Thlaspietea rotundifolii</i>) [8120] Calcareous rocky slopes with chasmophytic vegetation [8210]	Approx. 4.9km to the north	No	No

7.56. As the open drain along the roadside boundary discharges to the Owenmore River, which is a tributary of the Bonet River, the site is hydrologically linked to Arroo Mountain SAC. However, the SAC is approx. 8km upstream of the subject site and therefore no hydrological impact can occur. This would also be the case for any other European site where a hydrological link exists upstream. In addition, the Arroo

Mountain SAC QIs are non-mobile habitats and therefore there is no source-pathway-receptor link. Effectively, the only European site that can be hydrologically connected is Lough Gill SAC itself, apart from sites beyond Lough Gill SAC, and I do not consider there is any possibility that any impact from the proposed development could have a significant effect beyond Lough Gill SAC, which extends to the centre of Sligo town, approx. 33km hydrologically downstream.

- 7.57. Based on my examination of the application, the NIS, supporting information such as the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, the separation distance and functional relationship between the proposed works and the European sites, the sites' conservation objectives, and taken in conjunction with my assessment of the subject site and the surrounding area, I agree with the applicant's screening for AA and conclude that stage 2 AA is only required for Lough Gill SAC.

Stage 2 (AA)

Lough Gill SAC (site code 001976)

Description of site

- 7.58. This site includes Lough Gill, the Bonet River (as far as, but not including, Glenade Lough), and a stretch of the Owenmore River near Manorhamilton. Lough Gill itself, 2 km east of Sligo town, is a large lake, being 8 km long, and has steep limestone shores and underwater cliffs. It is over 20 m deep in places. The lake appears to be naturally eutrophic.

Conservation objectives

- 7.59. The conservation objectives are set out in the 'Conservation Objectives Series Lough Gill SAC 001976' document published by the National Parks and Wildlife Service (NPWS). The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. Attributes, measures, and targets for the ten QIs are set out. The conservation objective for eight of the QIs is to restore its favourable conservation condition. The conservation objective for the other two QIs (white-clayed crayfish and otter), is to maintain the favourable conservation condition of these species.

- 7.60. Table 2 of the NIS contains a list of the SAC's ten QI habitats and species and whether the proposed development could affect each one. It is considered that there are potential pathways to affect the six aquatic species.
- 7.61. The four QI habitats have been excluded from further consideration: natural eutrophic lakes, semi-natural dry grasslands and scrubland facies, old sessile oak woods, and alluvial forests. The reasons are, variously, the hydrological distance from the subject site, the terrestrial nature of the habitat precluding connectivity, and the low susceptibility of a habitat to surface water pollution. Lough Gill is identified as a natural eutrophic lake in the NPWS document. Table 2 considers that the hydrological distance in excess of 20km between the subject site and Lough Gill, the assimilative quality of the lough, and the intervening waters will negate negative impacts relating to water quality. Having regard to the hydrological distances, the nature and scale of the proposed development, and the fact that the Bonet is a fifth order river, I agree that there is no likelihood of a significant effect on this habitat as a result of the proposed development. I also concur that the other three habitats can be excluded.
- 7.62. Table 2 considers that the six QI species could be affected by the proposed development as they are either known to occur, or could occur, in the Bonet River. All six could be affected by water quality impacts while otter could also be affected by disturbance. I agree with the applicant in this regard.
- 7.63. Having regard to the nature of the proposed development and the Conservation Objectives Series document I agree with the submitted NIS in terms of the QI habitats and species that could be affected by the proposed development, and those that can be excluded from further consideration.

Potential direct impacts

- 7.64. Direct impacts to an SAC generally refer to QI habitat removal or mortality of QI species. Table 3 of the NIS refers to the potential for direct impact on QI aquatic species as a result of 'inappropriate waste disposal during construction' which could result in 'ingestion of plastics etc.' I do not consider this to be a direct impact. In addition, the NIS notes that construction and operational phase disturbance could alter otter behaviour. I do not consider this to be a direct impact either.

Potential indirect impacts

- 7.65. The potential indirect impacts cited in the NIS are construction and operational stage pollution events e.g. chemicals or hydrocarbons, impacting water quality and I agree with the NIS in this regard. The inappropriate waste disposal/ingestion of plastics issue also cited in the NIS can be taken as a potential construction stage indirect impact and I do not consider that it is necessary to treat it as an individual potential impact as the NIS does.
- 7.66. Construction and operation phase disturbance to otters is possible despite the sub-optimal foraging value of the site and on-site watercourse. Map 7 of the NPWS document shows otter present in Lough Gill itself rather than anywhere else in the SAC. Given the proximity to the existing public infrastructure, the urban area, and the N16 road any otters in the vicinity would have some degree of habituation to disturbance.

Mitigation measures

- 7.67. Mitigation measures are set out in section 7 of the NIS. Construction stage and operational stage mitigation are outlined separately. During the construction stage potential water quality impacts are non-toxic (silt/sediments) and toxic (chemicals/hydrocarbons). Non-toxic mitigation measures include avoidance of working in heavy rain, buffer zone of 20 metres of riparian zone, and no stockpiling of spoil within 50 metres of the river. Toxic mitigation measures include checking equipment, adequate storage, effective spillage procedures, no refuelling within 50 metres of the river, hydrocarbon nappies on certain machines, and operations adhering to the relevant guidelines for fisheries protection during works in and adjacent to waters (Inland Fisheries Ireland). Portaloos will be used on-site. During the operation phase a hydrocarbon interceptor and attenuation lagoon are proposed and a regular maintenance programme will be established.
- 7.68. In relation to otters there will be no direct lighting to the river during either phase and on-site excavations during construction will be covered at the end of each day.
- 7.69. Within these mitigation measures there are a number of references to the River Bonet e.g. a 20 metres riparian buffer zone of the River Bonet, no vehicular access across the Bonet, and no direct lighting to the Bonet. The Bonet is approx. 750 metres, hydrologically, west of the subject site via both a drainage ditch and the Owenmore

river so there is no direct impact to the River Bonet. It appears that the NIS generally refers to the minor watercourse on site as the river/River Bonet.

7.70. I consider that the proposed mitigation measures are appropriate and have a high degree of likely success. The proposed development is a routine construction project, and these are standard and well-proven mitigation measures. I note that the mitigation measures use terminology such as 'must', 'will', and 'shall', which is appropriate.

7.71. I note the content of the CEMP. This also includes mitigation measures, but some measures use less certain language. For example, page 22 relates to excavations and states, inter alia, 'All controls for the prevention of pollution should be in place prior to any excavations being undertaken, such as silt fencing and silt traps' and 'Reinstatement of materials should take place as soon as practically possible to prevent excavations from becoming waterlogged'. To avoid any ambiguity in terms of mitigation I consider it appropriate to include a condition that all proposed mitigation measures shall be read as 'shall' and 'will' etc.

Residual effects / further analysis

7.72. Section 8 / table 5 of the NIS outlines the potential for adverse effects after mitigation. None are predicted. Subject to implementation of the mitigation measures I am satisfied that there would be no significant residual effects.

Potential in-combination effects

7.73. The NIS states that 'there is considered unlikely to be significant effects on designated sites as a result of in combination impacts' and, having regard to the provisions of both section 6 of the NIS and an inspection of the planning authority's online planning application viewer accessed on 18th September 2023, I concur with the NIS conclusion in relation to in-combination effects.

NIS omissions

7.74. None noted.

Suggested related conditions

7.75. Given the relatively limited nature and scale of the proposed development, I do not consider any specific related conditions are necessary in addition to the mitigation measures proposed.

Integrity test

- 7.76. Following the implementation of mitigation, I am able to ascertain with confidence that the construction and operation of the proposed development would not adversely affect the integrity of Lough Gill SAC in light of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment (AA) Conclusion

- 7.77. Having regard to the foregoing, I consider that it is reasonable to conclude on the basis of the information on the file, and other available information, which I consider adequate in order to carry out a Stage 2 AA, that the proposed development, individually or in combination with other plans and projects, would not adversely affect the integrity of European site no. 001976, or any other European site, in view of the site's conservation objectives.

8.0 Recommendation

- 8.1. On the basis of the above assessment, I recommend that the Board approve the proposed development subject to the reasons and considerations below and subject to conditions including requiring compliance with the submitted details and with the mitigation measures as set out in the NIS.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations, 2011 (as amended),
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European sites,
- (d) the conservation objectives and qualifying interests for Lough Gill SAC,

- (e) the policies and objectives of the Leitrim County Development Plan 2023-2029,
- (f) the nature and extent of the proposed works as set out in the application for approval,
- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (h) the submissions received in relation to the proposed development, and,
- (i) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that Lough Gill SAC (site code 001976) is the only European site in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European site, namely Lough Gill SAC, in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and,
- iii. the conservation objectives for the European site.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European site, in view of the site's conservation objectives.

Proper Planning and Sustainable Development / Likely Effects on the Environment

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution or significantly affect biodiversity in the area, would not be detrimental to the visual or landscape amenities of the area, would not result in adverse traffic impact, would not adversely impact on the archaeological heritage of the area, and would not interfere with the existing land uses in the area. The proposed development would improve the public infrastructure of Manorhamilton and the surrounding area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interests of clarity and the proper planning and sustainable development of the area, and to ensure the protection of the environment.

2. The mitigation measures outlined in the plans and particulars relating to the proposed development, including those set out in section 7 of the Natura Impact Statement and in the Construction Environmental Management Plan, shall be

implemented in full. Mitigation measures stating 'should' shall be read as 'shall' or 'will' etc. Prior to the commencement of development details of a time schedule for implementation of mitigation measures shall be prepared by the local authority and placed on file and retained as part of the public record.

Reason: In the interest of protecting the environment and the European site, and in the interest of public health.

3. The development shall not operate until such time as the proposed site access points are located within the 60kph speed limit zone.

Reason: In the interest of road safety.

4. The access track along the north east site boundary to be used as an exit for the staff car parking area shall be appropriately upgraded prior to operation of the development.

Reason: In the interest of road safety.

5. Plant and machinery used during the works shall be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

Reason: In the interest of the proper planning and sustainable development of the area and to ensure the protection of the European site.

6. The preservation, recording, and protection of archaeological materials or features that may exist within the site shall be facilitated. In this regard, a suitably qualified archaeologist shall be retained to monitor all site investigations and other excavation works and provide arrangements for the recording and for the removal of any archaeological material considered appropriate to remove.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Anthony Kelly

Planning Inspector

26th September 2023