



An
Coimisiún
Pleanála

Direction
CD-022209-26
ABP-323742-25

The submissions on this file and the Inspector's report were considered at a meeting held on 19/05/2026.

The Commission decided, to APPROVE the proposed development as indicated in the draft order below, generally as recommended by the Inspector.

Planning

Commissioner:

Date: 21/05/2026

Tom Rabbette

DRAFT ORDER

Reasons and Considerations

In performing its functions in relation to the making of its decision, the Commission was consistent with:

Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in

furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

And in coming to its decision, the Commission had regard to the following:

(a) European Union legislation including in particular:

- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set out the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union,
- Directive 2011/92/EU (The Environmental Impact Assessment Directive) as amended by Directive 2014/52/EU as implemented by Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning Regulations as amended, and
- Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive, and which achieves or promotes compliance with the requirements of the Directive.

(b) National Legislation including in particular:

- Section 177AE of the Planning and Development Act 2000, as amended, which sets out the provisions in relation to local authority projects which are subject to appropriate assessment.

(c) National, Regional Policy and Guidance in particular:

- Project Ireland 2040 National Planning Framework, First Revision April 2025 which supports the development of a region-focused strategy to manage growth and environmentally focused planning at a local level,
- Ireland's 4th National Biodiversity Action Plan 2023-2030,
- the Regional Spatial and Economic Strategy for the Southern Region,
- Framework and Principles for the Protection of the Archaeological Heritage (1999), and
- Architectural Heritage Protection Guidelines for Planning Authorities (2011),

(d) Local Planning Policy including, in particular:

- the provisions of the Clare County Development Plan 2022-2028,
- (e) the nature, scale and design of the proposed works as set out in the application for approval and the existing character of the area,
- (f) 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,
- (g) the Natura Impact Statement submitted,
- (h) the submissions and observations made to An Coimisiún Pleanála in connection with the application, and
- (i) the report and recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment.

Appropriate Assessment: Stage 1:

The Commission noted that the proposed development is not directly connected with or necessary for the management of a European Site. The Commission completed an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the Screening Report for Appropriate Assessment submitted with the application and the report and screening assessment completed by the Inspector. The Commission agreed with the Inspector's assessment and conclusion that the European Sites for which there are potential for significant effects are the Ballyallia Lake Special Area of Conservation (Site Code: 000014) and Ballyallia Lough Special Protection Area (Site Code: 004041). The Commission concluded, in agreement with the Inspector, that appropriate assessment is required for those European Sites.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and carried out an appropriate assessment of the implications of the proposed development for European Sites in view of the conservation objectives for the Ballyallia Lake Special Area of

Conservation (Site Code: 000014) and Ballyallia Lough Special Protection Area (Site Code: 004041). The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment and to allow it to reach complete, precise and definitive conclusions for appropriate assessment. In completing the assessment, the Commission 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 Sites.

In completing the appropriate assessment, the Commission 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 Sites, having regard to the Sites' conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European Sites, in view of the Sites' conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

This conclusion is based on a complete assessment of all aspects of the proposed project, both alone and in combination with other plans and projects of relevance and took into account all submissions received during the course of the application.

Environmental Impact Assessment Screening:

The Commission completed an Environmental Impact Assessment screening of the proposed development. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, and the Schedule 7A information submitted by the applicant, following a screening determination, the Commission concluded that there is no real likelihood of significant effects on the environment

arising from the proposed development. The need for environmental impact assessment (EIA) can, therefore, be excluded following this screening determination and an EIA is not required.

Having regard to: -

1. the criteria set out in Schedule 7, in particular

(a) the limited nature and scale of the proposed development, which is an extension to an existing, long established burial ground and below the thresholds in respect to Class 10 of the Planning and Development Regulations 2001, as amended,

(b) the location of the site on zoned land (Community uses in the Clare County Development Plan 2022-2028) and other relevant policies and objectives in the Clare County Development Plan 2022-2028, and the results of the strategic environmental assessment of this plan undertaken in accordance with the SEA directive (2001/42/EC),

(c) the planning history at the site and within the area,

(d) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended),

2. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including those identified in the Construction Environmental Management Plan, the Hydrological and Hydrogeological Assessment, the Ecological Impact Assessment, the Natura Impact Statement and the Archaeological Impact Assessment,

it can be concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Proper Planning and Sustainable Development/Likely effects on the environment:

Having regard to the nature and scale of the proposed development, which is for an extension to a long-established existing burial ground, the planning history pertaining to the land holding, including an extant planning approval for a similar extension at this location (reference ABP-318080-23), and also having regard to the land-use zoning objective for the area which permits development of the type proposed at this location as indicated in the Clare County Development Plan 2022-2028, 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 pose an unacceptable risk to either surface water or groundwater quality, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not give rise to any additional flood risk in the area, would not adversely impact on the cultural, archaeological and built heritage of the area, and would not interfere with the existing land uses in the vicinity of the site. The proposed development would ensure the continued delivery of a public service serving the wider area and is supported by, and delivers upon, Objective CDP 10.23 (a) of the Clare County Development Plan 2022-2028. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, on the 26th day of September 2025, 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 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 contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. The mitigation measures identified in the Ecological Impact Assessment, and Hydrological and Hydrogeological Assessment submitted with the application

shall be implemented in full. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring 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, the protection of European Sites and in the interest of public health.

4. A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and supervise and implementation of mitigation measures. The ecologist shall be present during site construction works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

Reason: In the interests of nature conservation and biodiversity.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances.

Reason: In order to safeguard the amenities of property in the vicinity.

6. The local authority, and any agent acting on its behalf, shall ensure that all plant and machinery used during the construction works should 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 nature conservation and mitigating ecological damage associated with the development.

7. The surface water drainage system shall be constructed in accordance with the plans and particulars lodged with the application and a programme for the operational maintenance of the sustainable drainage systems (SuDS) features (cleaning and inspection of soakaways and French drains) shall be prepared and kept on file as part of the public record.

Reason: In the interest of public health and surface water management.

8. Prior to commencement of works, the local authority shall prepare a final Construction Environmental Management Plan (CEMP), which shall be adhered to during construction. This plan shall reflect all required mitigation for the project and provide details of intended construction practice for the development, including noise and dust management measures and off-site disposal of construction/demolition waste. The CEMP shall be placed on file and retained as part of the public record.

Reason: In the interests of public safety and amenity.

9.
 - (a) The local authority, or any agent acting on its behalf, shall engage a suitably qualified archaeologist to carry out an archaeological impact assessment in advance of any site preparation works and groundworks, including site investigation works preparatory/enabling works, topsoil stripping, site clearance or construction works.
 - (b) The archaeological impact assessment shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/photographic research and fieldwork, the latter to include archaeological geophysical survey and archaeological test excavation (consented/licensed as required under the National Monuments Acts and in accordance with approved works method statements).
 - (c) Test trenches shall be excavated at locations chosen by the archaeologist, having consulted the site drawings and the results of the archaeological geophysical survey. Excavation is to take place to the

uppermost archaeological horizons only, where they survive. Where archaeological material is shown to be present, the archaeologist shall suspend works in the area of archaeological interest pending further advice from the local authority, in consultation with the Department. All features/archaeological surfaces within the test trenches shall be hand-cleaned and clearly visible for photographic purposes.

- (d) The archaeologist shall prepare a comprehensive report, including an archaeological impact statement and mitigation strategy, to be submitted for the written agreement of the local authority in advance of any site preparation works, groundworks and/or construction works.
- (e) Where archaeological remains are shown to be present, preservation in situ, establishment of 'buffer zones', preservation by record (archaeological excavation) or archaeological monitoring may be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the archaeological impact assessment. Any further archaeological mitigation requirements specified by the local authority, following consultation with the National Monuments Service of the Department, shall be complied with by the local authority.
- (f) The local authority and the National Monuments Service of the Department shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the local authority.
- (g) The Construction Environmental Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.