Inspector's Report ACP-323742-25

Development	Proposed development comprising the development of an extension to existing St Brigid's Burial Ground.
Location	Drumcliff, Ennis, Co. Clare.
Local Authority	Clare County Council
Type of Application	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
Prescribed Bodies	Development Applications Unit, DoHLGH Uisce Eireann
Observer	Dermot Anthony Queally Robert Behan Pat Tierney Michael Duffy
Date of Site Inspection	5th February 2026
Inspector	Donogh O' Donoghue

Contents

1.0 Introduction

1.1. Clare County Council County is seeking approval from An Coimisiun Pleanála for an extension to an existing burial ground at Drumcliff, Ennis, Co Clare, adjacent to the Ballyallia Lake SAC and Ballyallia Lough SPA which are designated European sites. The Lower River Shannon SAC, a designated European site is also in proximity to the proposed works (see further analysis below). 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 and Development act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority, the authority shall prepare an NIS and the development shall not be carried out unless the Commission has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Commission as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Commission before consent is given for the proposed development.

1.3. An application for a similar development to what is now sought was approved by the Board on the 18th April 2024 under ABP-318080-23. The applicant sets out that they are now seeking a new planning permission as the previous design had issues around accessibility which were revealed in a technical audit during the post planning phase. While the previous design met the requirements of the Technical Guidance Documents, it was considered improvements could be made to ensure that the burial ground is usable by all members of the community. The revisions were considered to be material requiring the making of a new full planning application to ACP.

2.0 Proposed Development

2.1. The proposed development comprises an extension to the existing burial ground at Drumcliff on a site of c.2.342ha including provision of the following:

- An addition of circa 413 double plots (or 826 single plots) including provision for ash plots.

- Access road improvements including lay-bys, turning circle and traffic calming measures.
- Provision of columbarium walls with circa 470 niches.
- Parking - 23 standard spaces, 6 designated spaces for people with disabilities.
- Footpaths and the provision of access ramps.
- Drainage, landscaping works, and planting.
- Associated Site Works.

2.2. **Accompanying documents:**

- Planning Report & Statement of Consistency
- AA Screening & Natura Impact Statement (NIS)
- Ecological Impact Assessment (EcIA)
- EIA Screening Assessment
- Hydrological & Hydrogeological Assessment Report
- Archaeological Appraisal Report
- Landscape Proposals
- Preliminary Construction & Environmental Management Plan
- Plans and Particulars of proposed development.
- Newspaper Notice
- Site Notice Photo
- List of Prescribed Bodies and copies of letters issued.
- Cover Letter.

3.0 Site and Location

3.1. The subject site extends to approx. 1.8 ha. and is located at Drumcliff, to the north west of Ennis town. The site is currently partly in cemetery use and part greenfield site which is located adjacent to the existing Drumcliff Burial Grounds. The site is to be

accessed from the Drumcliff Road which runs adjacent to the west and north of the site. The subject site is rural in character and is situated on an elevated position above the existing burial grounds. The surrounding rural area comprises a mix of agricultural uses along with several detached houses and farm buildings.

3.2. To the east, over the crest of the hill, is Drumcliff Water Treatment Plant. Approximately half a kilometre to the east is the Gort Road comprising the northern suburbs of Ennis Town including the Gort Road Business Park. The River Fergus runs to the east of the site and Ballyalia Lake is located the north of the site.

4.0 Planning History

4.1. Subject site:

- ABP-318080-23 – Approval granted by An Bord Pleanála for improvements works and extension to existing St. Brigid's burial ground at Drumcliff Graveyard, Ennis, Co. Clare subject to 9 conditions.

4.2. Site in the immediate vicinity:

- Clare Coco Planning Ref 25/60405 - Permission granted for a single dwelling house, garage, and advanced wastewater treatment on a site to the north of the burial ground on the opposite side of the public road at Drumcliff, Ennis.
- Clare Coco Planning Ref 20/297 - Permission granted for the demolition of an existing dwelling house and construction of a single replacement dwelling house, and provision of a new waste water treatment system, percolation area, on a site to the south of the burial ground at Drumcliff, Ennis,

5.0 Legislative and Policy Context

5.1. Relevant legislative provisions

5.1.1. **The EU Habitats Directive (92/43/EEC):** This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment 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 SPA).

5.1.2. **European Communities (Birds and Natural Habitats) Regulations 2011:** These Regulations 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 Reg 42(21) that where an appropriate assessment 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 appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.

5.1.3. **National nature conservation designations:** The Department of Culture, Heritage and the Gaeltacht and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.

European sites located in proximity to the subject site include:

- Ballyallia Lake SAC (Site Code: 000014)
- Ballyallia Lough SPA (Site Code: 004041)
- Lower River Shannon SAC (Site Code: 002165)

Proposed National Natural Heritage Areas (NHA) in proximity to the subject site is the Ballyallia Lake pNHA.

5.1.4. **Planning and Development Acts 2000 (as amended) -** Part XAB of the Planning and Development Acts 2000-2017 sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.

- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Commission has approved it with or without modifications.
- Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Commission for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.
- Section 177(V) (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 Commission shall consider the NIS, any submissions or observations received and any other information relating to:
  - The likely effects on the environment.
  - The likely consequences for the proper planning and sustainable development of the area.
  - The likely significant effects on a European site.

5.2. **Policy and Guidelines of Relevance**

5.2.1. **National Planning Framework- First Revision, April 2025:** This Plan sets out a high-level strategic plan for shaping future growth and development to 2040. It seeks to develop a region-focused strategy to manage growth and environmentally focused planning at a local level. It contains several National Strategic Outcomes (NSOs) which include seeking to achieve empowered rural economies and communities, enhanced amenity and heritage, and a transition to a low-carbon and climate resilient society.

5.2.2. **National Development Plan**: This Plan underpins the National Planning Framework - First Revision, April 2025. It contains several priorities which include investment in regional growth potential.

5.2.3. **Climate Action Plan, 2024 ("CAP24") and 2025 ("CAP25"):** These plans provide a roadmap of actions to halve Ireland's emissions by 2030 and reach net zero by no

later than 2050, as committed to in the Climate Action and Low Carbon Development (Amendment) Act 2021.

5.2.4. **The Planning System and Flood Risk Management, 2009:** These Guidelines seeks to avoid inappropriate development in areas at risk of flooding and avoid new developments increasing flood risk elsewhere and they advocate a sequential approach to risk assessment and a justification test.

5.2.5. **Biodiversity Action Plan:** The Plan strives for a "whole of government, whole of society" approach to the governance and conservation of biodiversity and builds upon the achievements of the previous plans. It contains targeted actions which are underpinned by five strategic objectives.

5.2.6. **Framework & Principles for the Protection of Archaeological Heritage, 1999**: This document outlines the State's general principles in relation to the management and protection of the archaeological heritage.

5.2.7. **Architectural Protection Guidelines for Planning Authorities, 2004:** These Guidelines provide a practical guide for planning authorities (and others) who must comply with Part IV of the Planning and Development Act 2000 on the protection of the architectural heritage.

5.2.8. **Regional Planning Guidelines**: The Regional Spatial and Economic Strategy sets out a strategy to implement the NPF in the Southern Region, including Co Clare. It sets out a strategic vision and policy objectives for urban and rural areas, people, the economy, the environment, connectivity, amenities and utilities. Several policy objectives seek to protect water quality, enhance biodiversity, and ensure the protection of sensitive sites and habitats.

5.3. **Local Policy**

Clare County Development Plan 2023-2029:

5.3.1. **Zoning**: The lands are zoned for Community uses.

5.3.2. **Burial Grounds Objective CDP 10.23** seeks to:

a) To provide extensions to existing burial grounds and facilitate the provision of new burial grounds in cooperation with local communities, at appropriate locations throughout the County,

b) To ensure that burial grounds throughout the County are managed and maintained in a manner which respects their associated culture and heritage, having regard to the relevant byelaws,

c) To support the development of crematoria in County Clare, subject to normal planning considerations, and

d) To support the provision of new funeral homes which are designed to sensitively meet the needs of a diverse population.

5.3.3. **Chapter 2: Climate Action**

CDP 2.6 to 2.13: Flood risk assessment & storm water management.

Objective CDP 2.11: Storm Water Management

It is an objective of Clare County Council:

a) To ensure that adequate storm water infrastructure is in place to accommodate the planned level of growth in the Plan area,

b) To require all new developments to provide a separate foul and surface water drainage system,

c) To ensure the implementation of Sustainable Drainage Systems (SuDS) and in particular, to ensure that all storm water generated in a new development is disposed of on-site or is attenuated and treated prior to discharge to an approved storm water system, and

d) To request the submission of details regarding Surface Water Attenuation Systems that take account of the potential future impact of climate change for multi-unit development applications in the plan area. Development will only be permitted in areas where sufficient surface water capacity exists.

5.3.4. **Chapter 11: Physical Infrastructure, Environment and Energy**

CDP 11.26: deals with the WFD & RBM, protection of groundwater & surface water resources, achieve & maintain at least good water quality status, consider proposals where it can be clearly demonstrated the requirements of the RBM Plan will be met. **CDP 11.27-33**: protection & sustainable use of surface & ground water resources, provision of water & wastewater services, Ennis & Environs water supplies.

CDP 11.40-42: noise pollution, air quality & light pollution (incl. impacts on bats).

5.3.5. **Chapter 14: Landscape**

Landscape Character Type: Low Drumlin Farmland (LDF).

Landscape Character Area: Ennis Drumlin Farmland (13)

5.3.6. **Chapter 15: Biodiversity, Natural Heritage and Green Infrastructure**

CDP 15.1: protect biodiversity & implement the National Biodiversity Action Plan, All Ireland Pollinator Plan, and the County Heritage & Biodiversity Plans.

CDP 15.3 to 6: protect European, National & County Geological sites.

CDP 15.8 to 22 protect non-designated sites, biodiversity, habitats, waterbodies, wetlands, woodlands, trees, hedgerows, and Freshwater pearl mussel.

CDP15.28: deals with Dark Sky Reserve Designations.

Natural Heritage sites:

- Ballyallia Lake SAC & SPA
- Lower River Shannon SAC
- River Shannon & River Fergus SPA

Chapter 16: Architectural, Archaeological and Cultural Heritage

CDP 16.12 Raising Archaeological Awareness

CDP 16.1-7: protect architectural heritage (incl. PSs).

CDP 8-12: protect archaeological heritage (incl. sites, features & objects of interest).

Recorded / National Monuments & Protected Structures:

- Drumcliff Church (CL033-033001)
- Drumcliff Round Tower (CL033-033003)
- Drumcliff Graveyard (CL033-033002)
- Ecclesiastical Enclosure ENE of Drumcliff Church (CL033-034001)
- Temple Varaghan Church ENE of Drumcliff Church (CL033-034002)

National Inventory of Architectural heritage (NIAH)

- Ballymacquiggan Bridge North of Drumcliff Churchyard (NIAH No. 20403315)

6.0 Consultations

6.1. The application was circulated to the following bodies:

- Department of Climate, Energy and the Environment
- Department of Housing, Local Government and Heritage
- Inland Fisheries Ireland
- The Heritage Council
- The Arts Council
- Fáilte Ireland
- An Taisce
- Uisce Eireann
- Clare County Council

6.2. **Responses Received from Consultees**

6.2.1. A response was received from Development Applications Unit, DoHLGH and Uisce Eireann and are summarised below along with a summary of the response from the applicant, Clare County Council.

6.2.2. **Development Applications Unit, DoHLGH**

6.2.2.1. The key points can be summarised as follows:

- It is noted that the proposed development site (PDS) is located in proximity to, and associated with, Recorded Monuments CL033-033001- (Church), CL033-033002- (Graveyard) and CL033-033003- (Round Tower). These monuments are subject to statutory protection in the Record of Monuments and Places (RMP) established under Section 12 of the National Monuments (Amendment) Act 1994. Additionally, both the church and round tower are recognised as being of national significance. These monuments are thus designated National Monuments in State Guardianship and are afforded additional statutory

protections under Section 14 of the National Monuments Act 1930, as amended (National Monument No. 204).

- The Department has reviewed the desk-based 'Archaeological Impact Assessment' report submitted in support of the current planning application (prepared by Mr Risteard UaCróinín, dated February 2025) and notes that this report recommends completion of archaeological test excavation 'prior to development works commencing.' (Page 7). The Department considers that the baseline archaeological environment has not been adequately characterised in the desk-based archaeological report submitted and that there is, therefore, insufficient information upon which to make an informed and appropriate archaeological recommendation.
- It is further noted that a previous Part VIII application (Ref: 22/8008) for development of this site was referred to the Department on 14 September 2022 and subsequent recommendations made by the Department included completion of an Archaeological Impact Assessment to comprise a geophysical survey and archaeological test excavation in advance of development.
- They note that whilst geophysical survey (Minarex Geophysics Ltd, December 2022) and geotechnical site investigations (P Coleman & Associates; April 2025) have been conducted at the proposed development site in support of this planning application, these works were not carried out for archaeological purposes or under archaeological supervision.
- National policy for the protection of the archaeological heritage states that there should always be a presumption in favour of avoiding developmental impacts on archaeological heritage - see Part III of Framework and Principles for the Protection of the Archaeological Heritage (Government of Ireland, 1999). It is generally preferable that archaeological works are completed prior to a planning decision being made (e.g. via a Request for Further Information where necessary) as this facilitates making informed and appropriate archaeological recommendations. This also ameliorates risk to development costings and scheduling where sub-surface archaeological features/material are shown to be present.

- Therefore, in line with aforesaid national policy see Section 3.6.2 of Framework and Principles for the Protection of the Archaeological Heritage (1999) - the Department advises that an Archaeological Impact Assessment, should be carried out as a condition of any grant of planning approval that may issue.
- A recommended condition is included in the submission and the dept strongly recommends that the wording be reproduced verbatim in the schedule of conditions of any planning approval that may issue, in order to ensure that appropriate archaeological mitigation at this archaeologically sensitive site takes place in advance of commencement of development.

Response from Clare County Council

- The DAU observations are acknowledged and accepted. In particular, it is acknowledged that further baseline archaeological investigation is required to support an informed archaeological recommendation and to ensure appropriate protection of the archaeological resource prior to commencement of any works. The applicant commits to the following actions and compliance measures:
    - A suitably qualified archaeologist will be engaged to prepare and complete an AIA in advance of any works on site.
    - The AIA will include an archaeological geophysical survey undertaken for archaeological purposes. The results will be interpreted by the archaeologist and used to inform the design of targeted intrusive investigation.
    - A programme of targeted archaeological test trenching will be undertaken at locations selected by the archaeologist, informed by the development drawings and the results of the archaeological geophysical survey. Test excavation will be undertaken under the appropriate statutory licensing/consent regime and any agreed method statements required by the competent authorities.
    - Where works are proposed at, in relation to, or in proximity to protected archaeological monuments, the relevant Ministerial consent and/or notification procedures will be followed, as applicable.

- Where archaeological remains are identified, preservation in situ will be the preferred mitigation response, consistent with national policy principles. Where preservation in situ is not feasible, alternative mitigation (including preservation by record and/or archaeological monitoring) will be implemented as agreed with the Planning Authority in consultation with the National Monuments Service.
- If archaeology is identified during investigative works or subsequent enabling/construction works, works will be suspended in the affected area pending further archaeological assessment and agreement on mitigation measures with the Planning Authority, in consultation with the National Monuments Service.
- A comprehensive AIA report (including an archaeological impact statement and mitigation strategy) will be prepared and submitted to the Planning Authority for written agreement prior to commencement of any site preparation and construction works. Final reporting (including post-excavation requirements, where relevant) will be provided to the Planning Authority and the National Monuments Service following completion of archaeological works. The Construction Environmental Management Plan (CEMP) will include the location of archaeological/cultural heritage constraints and will set out mitigation measures to protect the archaeological environment during all project phases.

6.2.3. **Uisce Eireann**

The key points can be summarised as follows:

- The proposed cemetery extension is located in the Zone Of Contribution (ZOC) for the Ennis Public Water Supply (PWS) located 750 m from the Drumcliffe spring abstraction point. It is located within the inner source protection zone as mapped by the GSI, while the Poulacorry swallow hole which is connected to the Drumciff Spring is located 250 m from the site. The Ennis PWS is vital water supply supplying approx. 29,000 people in Ennis and the surrounding area.

  UE has undertaken a review of the Hydrological and Hydrogeological Assessment and requests that the development be conditioned as follows:

1. Given the sensitivity and importance of the underlying groundwater, Uisce Éireann requests that this risk is further assessed in accordance with published guidance, and that this assessment is submitted to Uisce Éireann for review prior to commencement. Whilst there is no published Irish guidance to assess the potential risk from graveyards, there is UK guidance that could be applied to the site:

- Northern Ireland - Cemeteries | Department of Agriculture, Environment and Rural Affairs & AE1 19 573678 Practice Guide - Cemeteries, Burials and the Water Environment 2019(2).pdf UK - Cemeteries and burials: groundwater risk assessments - GOV.UK; and Protecting groundwater from human burials - GOV.UK
- Guidance and advice notes | Scottish Environment Protection Agency (SEPA)

2. The documents submitted with the application assess potential impacts from contaminants associated with cemeteries noting both ammonia and nitrates. There are a number of additional potential contaminants of concern associated with graveyards that should also be considered as part of a revised assessment to be submitted to Uisce Éireann prior to commencement. This includes (but not limited to) chloride, sulphate, potassium, phosphorus and formaldehyde.

3. The documents submitted with the application outline and draw attention to low reported concentrations of ammonia and nitrate at Drumcliff Springs, referencing data from 2003 - 2004 which is over 20 years ago. A more up to date review data relating to the underlying groundwater quality should be undertaken to consider the potential risk to groundwater, and submitted to Uisce Éireann prior to commencement. The EPA monitors the Ennis (IE_SH_G_080) groundwater body at Drumcliff Springs and data from 2010-2025 is available for download WFD Application -Data Download

4. A revised Site Investigation Report providing associated photographs referenced to each of the detailed trail pit logs undertaken as part of the

intrusive investigation, shall be submitted to Uisce Éireann prior to commencement.

- Uisce Éireann's Standard Condition(s):
    - The applicant shall enter into a Connection Agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network and adhere to the standards and conditions set out in that agreement.
    - All development shall be carried out in compliance with Uisce Éireann's Standard Details and Codes of Practice.
    - Uisce Éireann does not permit Build Over of its assets. Where the applicant proposes to build over or divert existing water or wastewater services the applicant shall have received written Confirmation of Feasibility (COF) of Diversion(s) from Uisce Éireann prior to any works commencing.

      Reason: To provide adequate water and wastewater facilities.

Response from Clare County Council

Query 1:

- Prior to the first planning submission for the Drumcliff burial ground extensions, an extended period of consultation with Uisce Éireann was undertaken to determine their requirements for hydrological/hydrogeological assessment in relation to potential effects on the underlying groundwater body (and the nearby Drumcliff Spring abstraction).
- These consultations included a memo from HES (included as Appendix I) on the site investigations carried out, the conceptual site model of the site based on these findings (which found the site to be underlain by thick [8.5-13m] glacial deposits of boulder clay which protected the underlying aquifer) and the resulting potential risk to the Drumcliff Spring abstraction.
- A summary of the information provided to Uisce Eireann by HES at time included the geology of the proposed development site consists of boulder clays with low moderate permeability and range in thickness between 8.5-

13.5m, no karst features observed on site during intrusive investigations, no direct hydrological connections between the site and downgradient surface water bodies, including the Poulacorey karst feature (250m north of site), separation distances to the drinking water supplies, as outlined in SEPA guidelines are maintained (250m) and the impact assessment process has concluded that there will be no significant effects on downgradient surface water bodies (including Poulacorey swallow hole) as a result of the proposed development.

- Following this submission to Uisce Éireann, it was reviewed internally and also externally by an appointed, independent hydrogeological consultant (TOBIN) for feedback and comment on the conclusions of the HES memo. This review was formulated in the form of a memo by TOBIN, included as Appendix II to the response, which accepted the assessment with the following conclusions which are summarised below:
    - The investigations carried out by HES was evaluated with reference to DAERA NI (2019) Practice guide for cemeteries, burial and the water environment, and EPA (2011) Guidance on the authorisation of discharges to groundwater. The information obtained does not appear to highlight concern with regard risk to the Drumcliff springs.
    - The site boundary for the proposed burial plots are >250 m away from the Drumcliff springs.
    - There are no surface water features within 50m of the site boundary and there is no risk of flooding.
    - There are no field drains within 10 m of the site boundary.
    - Bedrock and groundwater is indicated in the investigation reports to be greater than 1m below the base of the burial pit.
    - No sand or gravel subsoils were encountered within the survey area and there was no groundwater encountered within the trial pits.
    - The interpreted thickness and the subsoil texture suggest moderate groundwater vulnerability.

- The TOBIN review did note that the trial pits were excavated to a depth of 2m, while a depth of 2.8m would have been preferable in order to definitively determine the soil profile at a depth of 1m below the proposed burial depth (1.8m). However, this was not feasible due to limited access and the inability to track a larger machine through the site. Nonetheless, the trial pit information has been correlated with the geophysical survey information to provide further information on the soil/subsoil profile, with the boulder clay layer interpreted to a depth of 9.5-13.5mbgl.

- The hydrogeological assessment and groundwater risk assessment contained within Section 4 of the HES Hydrological and Hydrogeological Assessment Report (2025) conforms to the methodology set out in the Northern Ireland guidelines for the assessment of burial grounds on groundwater (as confirmed by Uisce Éireann's own independent consultant), as well as the UK guidance documents on groundwater risk assessments with respect to cemeteries and burials.

- The Northern Ireland and UK guidance documents were reviewed and these guidance documents influenced the scope of the hydrogeological risk assessment, along with direct consultation with Uisce Eireann.

- The Northern Ireland guidance was determined the most applicable, given the similar ground conditions and climate, and the following text from this document, in relation to the hydrogeological risk assessment, was used to inform the scope of the HES report.

  "The risk assessment will be based upon data and knowledge gained from the desktop assessment and the intrusive site investigation. The scope of the risk assessment required will be dependent on site specific factors such as intended annual burial rate, the local vulnerability of groundwater and the scale of the site proposed."

- As such, the applicant submits to ACP that the submitted hydrological/hydrogeological assessment has followed relevant guidance documents and provided a site-specific groundwater risk assessment, based on site-specific information and a hydrogeological conceptual model of the site. This assessment was reviewed previously by Uisce Eireann and the

consultants (TOBIN). We submit there is no requirement to update or amend the report, as the existing report conforms to the methodologies contained in both the Northern Ireland and UK guidance documents on the subject.

Query 2:

- As detailed above, a period of consultation with Uisce Éireann was undertaken and the scope and methodology of the groundwater risk assessment was put forward for review by both Uisce Éireann and their appointed independent consultant.
- At that time, it was accepted that the methodology and risk assessment proposed was appropriate/agreed. The site investigation data demonstrated that groundwater vulnerability at the site was low. Based on this hydrogeological conceptual model, along with the low burial rate of ~2 burials per year, there was an agreed very low risk to the Drumcliff water supply and as such further in-depth modelling of individual potential contaminants was not carried out.
- At this point, almost two years after the original consultation with Uisce Eireann occurred, the applicants are surprised by the current submission, and they conclude perhaps that the knowledge of the original consultation and feedback may have been lost through change of personnel.
- As such, they revert back to the clarification provided in relation to surface water management, and that the groundwater risk assessment completed for the proposed extension to the Drumcliff burial ground, was completed in line with the methodologies agreed with Uisce Éireann following the original consultation and the existing submitted hydrological/hydrogeological assessment forms clear conclusions regarding the risks to the Drumcliff source.

Query 3:

- The HES report (2025) lists the concentration of Nitrate as 1.8 mg/L at Poulacorey swallow hole and 2.0 mg/L at Drumcliff spring. The more recent data referred to by the applicant relates only to the Drumcliff spring location, and records a Nitrate concentration ranging between 0.1 – 1.7mg/L as N.

- Similarly, the Ammonia value reported by HES (2025) ranged between 0.01-0.04 mg/L, while the most recent data ranges between 0.01 – 0.055 mg/L.
- Although the data used within the HES assessment related to previous available sampling data, the outcome of the assessment contained in Section 4.4.2 of the report remains true, with the residual effect of the proposed development being considered negative, imperceptible, indirect, medium-term, highly unlikely impact on the Poulacorey swallow hole (and associated linked Drumcliff spring abstraction), the Ennis GWB, the River Fergus and all associated downgradient potential receptors listed within this report.

Query 4:

- The applicant sets out that supporting photographs to address UE request are included in Appendix III.

6.2.4. ACP invited Uisce Eireann by letter dated 24th March 2026 to respond to the applicant's response document.

6.2.5. Uisce Eireann submitted the following comments on the 07th April 2026.

- Uisce Éireann acknowledges and is satisfied with the applicant's response in relation to its groundwater assessment for the proposed development.
- In light of the above, Uisce Éireann recommends that any grant be conditioned on the following:
    - The applicant/operator shall comply with the Water Framework Directive and River Basin Management Plan objectives to ensure that the development will not negatively impact on the water quality of source/receiving waters during both construction and operational phases.
    - The applicant/operator shall meet the requirements of EIA Directive 2014/52/EU.
    - The applicant/operator shall comply with the requirements of the Groundwater Directive, Article 6(1) of Directive 2000/60/EC.

6.3. **Public Submissions:**

Four public submissions were received and the key points raised are summarised below along with a summary of the response from the applicant, Clare County Council.

6.3.1. Dermot Anthony Queally

- Family home is located very close to development and he has grave concerns about the possibility of potential/further flooding of his lands from the proposals submitted.
- Over the years there has been various works going on at the graveyard including drainage works etc but it has never fully addressed the issue of flooding of his lands and in particular the area around his septic tank.
- All these problems can be directly traced back to the inability of existing stormwater drainage from graveyard being contained and dispersed of adequately within its own bounds. Indeed the current method uses existing drains which have not got the capacity to manage same.
- This leads to overflow of drains, flooding to public road and egress on to his lands around his septic tank. Naturally this should be of concern from a public health issue.
- This was never an issue before recent works to the graveyard and notwithstanding new proposed soakpits, it will never be addressed unless flooding causes an incident to public road/traffic etc.
- The applicant needs to ensure that design of drainage proposals adequately address his concerns and help alleviate/stop flooding to his lands.

6.3.2. Robert Behan

- Family home is located close to the proposed development and he has concerns about the impact the proposed development would have on his property mainly from a stormwater/ground water view.
- There has been various ongoing works at the graveyard over a number of years be it landscaping/improvements/drainage etc and this has led to unknown flooding issues mainly to the public road that has directly affected his property.

He is fearful that if this issue is not resolved it may lead to flooding of his dwelling and public road adjacent with associated traffic safety concerns.

- He states that he is not against the proposed development in any way and he appreciates from viewing the proposed design drawings, that Clare County Council are trying their utmost to facilitate concerns regarding flooding.
- He notes the inclusion of two new soakpits but would still have worries about its capacity to cater for the sheer volume of storm water etc as our weather systems are now producing wetter and wetter seasons.

6.3.3. Pat Tierney

- Family home and family farm/landholding is adjacent to the proposed development.
- While he is not opposed to extending the graveyard he has serious concerns especially with regard to drainage and storm water disposal connected to the development.
- In recent years any work undertaken at the graveyard has led to flooding of the public road adjacent to his dwelling and also his farmlands so much so that he has had to install a pumping system to take away flood water from his lands to an exit point uphill and across his lands to a safe non-impactful area.
- He notes that he has had to do this at considerable expense and that this flooding to his property was never an issue until recent times and due to continuous work around the graveyard.
- He also notes that the application is proposing 2 No soakaways but has concerns that this is adequate and sufficient to prevent flooding to his property and public road and its associated public safety issues.

Response from Clare County Council to submissions from Dermot Anthony Queally, Robert Behan and Pat Tierney

- Surface water drainage and flooding are addressed in the Civil Engineering Response and in the Hydro-Environmental Services response in the context of the overall hydrological and hydrogeological assessment of the site.

- The drainage design for the proposed burial ground extension is based upon SuDS drainage principles and design, in accordance with the objectives outlined in the Clare County Development Plan 2023-2029.
- All surface water generated on the proposed extension will be captured and fully infiltrated on-site via soakaways and direct infiltration into green areas. There will be no discharge from the site to the public road or any downstream lands.
- Key elements of the design are
    - The site is underlain by 8.5–13.5m of low-permeability boulder clay, confirmed by trial pits carried out on-site in 2022 and 2025, together with geophysical survey.
    - Surface water falling on green (grave) areas will infiltrate directly into those areas.
    - Footpaths are sloped toward adjacent green areas or collected via ACO drains and directed to dedicated soakaways.
    - Roadway runoff is served by French drains with land-drain pipe leading to a dedicated soakaway at the lowest point of the drainage run.
    - Gullies at the existing/proposed roadway.
- The design of the 2 no. soakaway pits has been informed by trial pitting and associated 5 no. soakaway tests to BRE digest 365 standard, with the soakaways being sized to accommodate runoff from the proposed extension.
- It is considered that there is sufficient capacity within the drainage design to prevent any surface water runoff from the site and thus it is considered that the proposed development will not have a negative effect on local flooding.
- The Construction Environmental Management Plan (CEMP) submitted with the application contains full details of surface-water management during the construction phase (Section 6.26 – Protection of Soil & Groundwater and Section 6.27 – Flooding). Regular maintenance and cleaning of the SuDS features will ensure that adequate performance is maintained.

- Accordingly, the proposed development will not exacerbate existing flooding issues or cause any adverse impact on the public road or neighbouring properties.

6.3.4. Michael Duffy BE CEng MIEI

- This is a disingenuous assessment in a karst environment where surface water and groundwater regularly interact.
- The submitted Natura Impact Statement completely ignores fundamental likely impacts from direct connectivity between the subject site and the Lower River Shannon SAC Site No: 002165 and the Ballyallia Lough SPA Site No: 004041. The designated Ground Water body IE_SH_G_080 is at risk of not achieving its WFD status.
- The subject site is located contiguous to SAC: 002165 - Lower River Shannon SAC and connected directly by a recorded subterranean conduit.
- As can be seen from the WFD Cycle 2 Catchment Shannon Estuary North Sub-catchment Fergus_SC_030 (appended) one of the significant pressures identified in the sub-catchment is Anthropogenic Pressures with sub-pressures stated to be unknown. A potential pressure is leachate from the proposed graves to the subterranean conduit which is the direct feed to the downstream Drumcliff Spring a 30,000m³ per day potable water source.
- The interaction between surface water and groundwater in this karst environment means that there is potential for this pollution, and other construction stage or operation stage impacts to contiguous Natura 2000 sites. Directive 2000/60/EC Article 7 Abstraction for Drinking Water referenced.
- The conclusion of the Hydrological and Hydrogeological Assessment which concludes that 'there are no direct hydrological connections between the site and down gradient surface water bodies' is a disingenuous assessment in a karst environment where surface water and groundwater regularly interact over short distances. Groundwater can regularly re-emerge as surface water and visa versa.
- There is no assessment of infiltration, potentially directly to the karst conduit, feeding the potable source at Drumcliff Spring.

- There is no factual basis for this perception that there is 8.8-13.5m of "thick clay-rich subsoils". Grave diggers in Drumcliff regularly encounter rock. There was no assessment of the depth of the karst conduit to Drumcliff Spring.
- The basis for the conceptual model which sets out that, surface water is considered to be the main potential pathway for potential effects, rather than groundwater is flawed. The clear risk from this development is to groundwater within a source protection area. While this may primarily be a WFD issue it is also an AA issue.
- There is no recognition of the karst conduit between Poulacorey swallow hole connected to the Drumcliff Spring. This completely ignores the vertical separation to the conduit which is likely to be less than 10m as opposed to the 250m requirement. There is no geological testing of this site and therefore there is a lacuna in the information provided to the decision maker.
- There is no evidence provided in the assessment to support the conclusions of the impact assessment of potential groundwater effects and impact assessment on down gradient surface water bodies. In the absence of a full geological assessment, including an accurate location of the karst conduit, the decision maker does not have the required information.
- The conclusions arrived at in the NIS are flawed. There are numerous lacunae in the geological and hydrogeological information submitted.
- There is no assessment for bats in this rural wooded location. While this location is well within the foraging area for bats identified to be roosting in local Natura 2000 sites the species are separately protected and there was no assessment for foraging, roosting or resting places within this proposed development.
- There is no reference to potable source in the entire NIS notwithstanding that an incredible volume of 30,000m³ per day is extracted from Drumcliff Spring 650m from the site and treated in the contiguous water treatment plant approximately 15m from the site boundary.
- Notwithstanding the sensitivities associated with the use of this development there is a crucial environmental matter to be considered for the protection of

potable drinking water the town of Ennis and the Mid-Clare region. In many cases patients are being treated with highly toxic chemicals prior to their demise. These chemicals do not simply vanish. There is a very legitimate concern about burial where connectivity to a drinking water source which may not be sampling for potential toxins and viruses.

- HSE not notified as a prescribed body
- Planning report makes no reference to potable water source and Water Framework Directive
- The Ecological Impact Assessment (EcIA) is largely a cut & paste operation and makes no reference to the potable source or potential impacts on it.
- The Hydro Environmental Services Report does not properly address the likely impacts from the proposal on potable water quality. In 2.4.2 it states an extraction of 12,000 m^3/d , a figure that is approximately 15 years old . The correct figure is 30,000m^3 per day and should be clarified by ACP and UE.
- An unsubstantiated observation such as set out in section 2.2.4 and section 4.4.2 Potential Impacts from Extension to Burial Ground in the Hydrological and Hydrogeological Assessment would not be accepted in a wastewater site suitability assessment. The water table level is crucial in this assessment. The "thick layer of subsoil" has not been substantiated. The relevant "thickness" is below 2m BGL. There is no assessment of potential preferential flow paths. The trial holes are limited in extent and identification of the actual conduit is fundamental to the assessment.
- The Appendix 3 soakaway results are incomplete and do not provide appropriate information for the making of a decision. The results achieved are not consistent with the T value of 18 achieved in planning permission P20/297 which is 630m away. Neither are they consistent with what must have been achieved in order to grant permission in P03/1047 which includes an on-site wastewater treatment system located 120m from subject site.
- The times used in the BRE assessments are interpolated and the trial holes were not left open long enough to see if the water table established itself. Furthermore, there was no assessment or comment on mottling in the trial holes

which would indicate seasonal water table levels. The assessment was carried out in April 2022 which would not be representative of the most elevated groundwater levels.

- There was no proper geological assessment of these lands. Neither the water table level nor the bedrock level were established. Both the Poulacorey swallow hole and Drumcliff Spring are relatively shallow with extensive outcropping of bedrock in the wider area. It is inconceivable that the suggested depths of 13.5m of soil/subsoil are available in this area. This requires proper geological borehole assessment in circumstances where graves must be excavated to a minimum 2m depth (as per CCC bye-laws). The relevant invert level is 2m BGL and the cover from this level to rock/bedrock/ conduit is critical to protect the potable water supply.
- The Coimisiún has not been provided with the required information to make proper determinations in advance of making a planning decision on this proposal.
- Information in relation to WFD Cycle 2, Catchment Shannon Estuary North, Subcatchment Fergus_SC_030, Code 27_3 attached to the submission.

Response from Clare County Council

- The response to Mr. Duffy's submission is addressed in the Hydro-Environmental Services response and in the Altemar Environmental response.

Hydro-Environmental Services response

- The author is correct in stating that the local area is mapped as a karst environment, where interactions between surface water and groundwater do exist, such as at Poulacorey swallow hole, however the site investigation data carried out demonstrates that the proposed site is situated on the flanks of a drumlin, underlain by a thick layer of glacial boulder clay (8.5-13.5m deep), and as such is not situated on karstified bedrock but is in an area of low groundwater vulnerability. As such, they refute the idea that this assessment is disingenuous, as the assessment is based on site-specific data rather than regional scale desk-based mapping.

- The subject site is not contiguous to this SAC, it is mapped 600m from the Lower River Shannon SAC boundary. The subject site is not connected directly by a recorded subterranean conduit, all the site investigation data demonstrates that the site is underlain by 8.5-13.5m of boulder clay, with no evidence of any karst features below this clay interpreted from the geophysics survey.
- There is a swallow hole located at Poulacorey, 250m north of the proposed site, and there is a mapped tracer test to the Drumcliff spring, but there is no scientific evidence from the intrusive site investigation data nor from the geophysical surveying carried out, of a karst conduit or any form of karst feature at depth beneath the proposed site.
- HES have worked directly with Uisce Eireann on the Drumcliff Plant water source and can confirm an average abstraction rate of 12,000 m3/day. They understand the scheme serves a population of ~30,000.
- Section 4.4.1 of the HES report details the Operational Phase Impact assessment on potential surface water quality impacts from the proposed surface water drainage system. This section specifically lists the Poulacorey karst feature (and associated Drumcliff Spring PWS) as one of 4 no. potential receptors.
- This section goes on to describe the proposed drainage system at the subject site and the drainage measures employed to ensure that there will be no likely negative effects on potential receptors.
- As a result of these design measures, the residual effect on the Poulacorey karst feature and Drumcliff Spring PWS was assessed to be a negative, imperceptible, indirect, medium-term, highly unlikely effect on these receptors.
- Site investigations at the site include:
    - 5 no. trial pits to a maximum depth of 1.9mbgl, conducted by GII in 2022
    - EM31 ground conductivity, 2-D resistivity and seismic refraction geophysical investigations, conducted by Minerex Geophysics Ltd. in 2022 and,

- A further 7 no. trial pits to a depth of 2.4m below final proposed level (equating to actual excavated depths of 2.9 – 5.4m below existing ground level.
- There was no bedrock encountered in any of the trial pits, and the geophysics report of the site interprets bedrock (competent Limestone) between 8.5-13.5mbgl, with boulder clay deposits (as per the trial pits) overlying the Limestone. The available site-specific ground investigation data directly contradicts the unsupported claims made by Mr Duffy.

- The appropriate and relevant guideline has been used for the hydrological/hydrogeological assessment, i.e. Northern Ireland – Cemeteries Department of Agriculture, Environment and Rural Affairs & AE1 19 573678 Practice Guide – Cemeteries, Burials and the Water Environment (2019).
- There is no wastewater treatment system proposed at this site, therefore a site suitability assessment was not submitted. There is no requirement for a site suitability assessment, and it would not be appropriate, nor necessary to submit such an assessment. The soakaway design instead is based on the infiltration rates generated by the 5 no. soakaway test performed on site.
- It is not surprising that infiltration rates from a site 630m away differ to those recorded at the proposed site. The proposed site is situated on an area of elevated ground on the flanks of a drumlin.
- Site specific data from trial pits and soakaway tests were used in the completed assessment. Where site-specific data is available the suggested use of data from remote sites is illogical.

Altemar Environmental Response

- As outlined in the AA Screening in relation to the Lower River Shannon SAC the proposed development site is located 400m from this SAC on the far side of the Ennis WwTP. There is no direct hydrological pathway to the SAC. In relation to Ballyallia Lough SPA the AA Screening stated that the proposed development site is located 100m from this SPA on the far side of the existing graveyard to the north of the site. There is no direct hydrological pathway to the SPA.

- The subject site is not contiguous to the Lower River Shannon SAC, it is mapped 600m from the Lower River Shannon SAC boundary. The subject site is not connected directly by a recorded subterranean conduit, all the site investigation data demonstrates that the site is underlain by 8.5-13.5m of boulder clay, with no evidence of any karst features below this clay interpreted from the geophysics survey. There is a swallow hole located at Poulacorey, 250m north of the proposed site, and there is a mapped tracer test to the Drumcliff spring, but there is no scientific evidence from the intrusive site investigation data nor from the geophysical surveying carried out, of a karst conduit or any form of karst feature at depth beneath the proposed site.
- Section 4.4.1 of the HES report details the Operational Phase Impact assessment on potential surface water quality impacts from the proposed surface water drainage system. This section specifically lists the Poulacorey karst feature (and associated Drumcliff Spring PWS) as one of 4 no. potential receptors. The section goes on to describe the proposed drainage system at the subject site and the drainage measures employed to ensure that there will be no likely negative effects on potential receptors. As a result of the design measures, the residual effect on the Poulacorey karst feature and Drumcliff Spring PWS was assessed to be a negative, imperceptible, indirect, medium-term, highly unlikely effect on these receptors.
- Site investigations at the site included 5 no. trial pits to a maximum depth of 1.9mbgl, conducted by GII in 2022, EM31 ground conductivity, 2-D resistivity and seismic refraction geophysical investigations, conducted by Minerex Geophysics Ltd. in 2022; and a further 7 no. trial pits to a depth of 2.4m below final proposed level (equating to actual excavated depths of 2.9 – 5.4m below existing ground level). There was no bedrock encountered in any of the trial pits, and the geophysics report of the site interprets bedrock (competent Limestone) between 8.5-13.5mbgl, with boulder clay deposits (as per the trial pits) overlying the Limestone. The available site-specific ground investigation data directly contradicts the unsupported claims made by Mr Duffy.
- The HES response clearly outlines the lack of significant groundwater risk.

- NPWS did not have any comment in relation to significant effects on Natura 2000 site and their Department was consulted through the DAU.
- In relation to bats there is no lighting proposed or trees to be felled as part of the project. There will be no significant impact on local bat populations.
- An EcIA is not expected to deal with Potable water and human health. As outlines in CIEEM Guidance "EcIA is a process of identifying, quantifying and evaluating potential effects of development-related or other proposed actions on habitats, species and ecosystems."

7.0 EIA Screening

7.1. A Preliminary EIA Screening Assessment (dated 08th September 2025) was prepared on behalf of Clare County Council and accompanied this application. This assessment set out that the specific nature of the proposed development is not stated in Part 1 of Schedule 5 of the Regulations. The assessment also considered the proposed development in relation to Schedule 5 Part 2 of the Regulations, namely Class 10(b)(iv) Urban development which would involve an area greater than 20 hectares and Class 10 (dd) Private roads which would exceed 2000 metres in length. In each respective class the mandatory threshold trigger was not reached.

7.2. However, following preliminary examination, the applicant concluded that having particular regard to the location of the development in a sensitive scenic landscape, proximate to European sites and above a Regionally Important aquifer there are uncertainties regarding the likelihood of significant effects on the environment arising from the proposed development and proceeded to a Stage 3 screening exercise.

7.3. The applicants screening report concluded that having regard to the scale, nature and location of the proposed impacts, the potential impacts and proposed mitigation measures and the results of other relevant assessments of the effects on the environment it considered that the proposed development would not be likely to have significant effects on the environment and it is recommended that environmental impact assessment report is not required.

7.4. As Schedule 7A Information accompanies the application I have carried out a screening determination which is set out in Appendix 4 (Form 3) below. I conclude that

there is no real likelihood of significant effects on the environment and therefore an EIA is not required.

8.0 Assessment

8.1. The assessment will be undertaken in three parts as per the requirements of Section 177AE as follows:

- The likely effects on the environment,
- The likely consequences for the proper planning and sustainable development of the area,
- The likely significant effects upon a European Site.

The structure of this report follows the above three topics. This report addresses the above topics, as required, hereunder.

8.2. **The likely effects on the environment**

8.2.1. I consider the main environmental effects (other than those which are considered under Appropriate Assessment) can be addressed under the following headings:

- Ecology
- Hydrology and Hydrogeology

Ecology

8.2.2. The application is accompanied by an Ecological Impact Assessment (EcIA) carried out by Altemar Ltd on behalf of the applicant Clare County Council. The EcIA makes reference to the Hydrological and Hydrogeological Assessment prepared by Hydro-Environmental Services (HES) which accompanies the planning application and specifically to the submitted surface water drainage strategy. I will deal in detail with Hydrology and Hydrogeology in a separate section of my assessment outlined below.

8.2.3. The submissions from the public generally relate to stormwater, ground water and flooding issues. I will deal with these issues as well as the submissions from Usice Eireann under the Hydrology and Hydrogeology section of my assessment. I also note the comments in the submission from Micheal Duffy in relation to short comings in the EcIA notably in relation to bats and the lack of an assessment for foraging, roosting or resting places within the proposed site.

8.2.4. The EcIA sets out the Methodology followed to establish the baseline ecological condition of the site and surrounding area. It involved undertaking a desktop review and baseline field assessments.

8.2.5. Habitats identified were classified in accordance with 'A Guide to Habitats in Ireland' (Fossitt 2000) and their extent was mapped. The field survey was carried out in April and August respectively which is within the period for full species assessments of the floral cover and mammal activity. The primary habitats recorded within the proposed development site was 'agricultural grassland (GA1)' and 'Amenity Grassland (GA2)'. No habitats of conservation significance were noted within the site outline.

8.2.6. The ecological valuation of the improved agricultural grassland habitat is considered to be relatively poor and the species was dominated by thistles (*Cirsium arvense, C. vulgare*), daisy (*Bellis perennis*), nettle (*Urtica dioica*), clover (*Trifolium repens*), plantains (*Plantago spp.),* creeping buttercup (*Ranunculus repens*), dandelion (*Taraxacum spp*.), lesser celandine (Fi*caria verna ssp verna*), rushes (*Juncus sp.*) and docks (Rumex spp.). No species of conservation importance or invasive species were noted. In addition, biodiversity was low in the Amenity Grassland habitat which was amongst the graves and along the side of the road. Species consisted of thistles (*Cirsium arvense & C. vulgare*), clover (*Trifolium spp*.), docks (*Rumex spp*.), nettle (*Urtica dioica*), creeping buttercup (*Ranunculus repens*), moss (*Sphagnum sp*.) and dandelion (*Taraxacum vulgaria*).

8.2.7. Other habitats include Dry Meadows and Grassy Verges (GS2) strip located between the road and agricultural grassland, buildings and artificial surfaces (BL3) of which no flora or fauna of conservation importance was noted, Treelines (WL2) located along the northwestern site boundaries dominated by Beech (*Fagus sylvatica*) habitat and a laneway of recolonising bare ground habitat (ED3) located between the treelines in the northwestern portion of the site**.**

8.2.8. No plant species protected under Irish or international legislation were noted on site. No rare or threatened plant species were recorded within the proposed development site. No invasive plant species that are listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. No. 477 of 2011) were noted on site.

8.2.9. No mammal activity was noted on site. No badgers (*Meles meles*) or badger activity was noted on site. No evidence of deer was noted on site. No hedgehogs (*Erinaceus erinaceus)* were seen during the site visit, but maybe present on site. No protected terrestrial mammals were noted on site or in the vicinity of the site. Otters (*Lutra lutra*) activity was not noted on site, and I agree that it is unlikely that they are present due to the lack of a watercourse onsite.

8.2.10. No bat roosts were noted onsite. There are trees of bat roosting potential within the mature treeline located to the west of the site. However, it should be noted that no trees will be removed as part of the proposed development and no lighting is proposed onsite. In relation to amphibians/reptiles there are no water features within the site boundary that could be important to the common frog (*Rana temporaria*) or the common lizard (*Lacerta vivipara*).

8.2.11. No bird species of conservation importance have been noted on site. No evidence of nests was noted in the treeline during the field survey undertaken. In addition, I note that no trees within the site are proposed for removal.

8.2.12. The EcIA sets out that a Long-eared Owl survey was undertaken in 2023, within the proposed development site and existing burial ground and no evidence of the presence of long-eared owl were found. I note the findings outlined in Appendix 1 Long-eared Owl Survey Report which sets out that while potential nests were found, there were no pellets found at the base of trees and no owls were recorded within or in proximity to the nests when observed using the thermal camera. No long-eared owls were heard during the dusk survey.

8.2.13. The National Biodiversity Data Centre's online viewer was consulted in order to determine the extent of biodiversity and/or species of interest in the area. An assessment of the site-specific area recorded no species of interest in the site area. Table 3 provides a list of all species recorded in the 2 km2 grid that possess a specific designation, such as Invasive Species or Protected Species. In relation to birds five species are currently Red-listed (*Barn Owl (Tyto alba), Black-headed Gull (Larus ridibundus), Eurasian Curlew (Numenius arquata), Northern Lapwing (Vanellus vanellus), Yellowhammer (Emberiza citrinella)*) and an additional 17 of the bird species are Amber-listed.

8.2.14. The EcIA sets out the potential impacts of the proposed burial ground extension on the ecology of the site. This section includes the potential effect on designated sites and potential effects on habitats and flora during both the construction and operation phase.

8.2.15. In the construction phase the proposed development is likely to have direct negative impacts upon the existing habitats, fauna and flora. The removal of the site's internal habitats will result in a loss of species and habitats of low biodiversity importance. The area is not deemed to be an important foraging area for terrestrial mammals or birds of conservation importance. However, the loss of habitat and habitat fragmentation may affect some common mammalian species.

8.2.16. As Long-eared Owl has been previously recorded within the site (by Clare Coco) and the site offer potential nesting habitat, mitigation is needed in the control of light spill during construction to avoid potential for disturbance. I also note that as there are no proposals for tree removal as part of the proposed development no potential nesting habitat for this species will be lost.

8.2.17. The proposed development is not located within a designated conservation site. The nearest designated conservation site is the Ballyallia Lake pNHA, located 45m from the subject site. The nearest Natura 2000 sites are Ballyallia Lake SAC and Ballyallia Lough SPA (100m). There is no direct hydrological pathway to any designated European conservation site.

8.2.18. Table 1 and 2 provides details of all relevant designated sites (national and international) within 15km of the proposed application site. There are a number of waterbodies (including the Drumcliff Stream and Poulacorry River) located down-gradient to the north of the subject site. This network of waterbodies ultimately outfalls to Ballyallia Lough. It is proposed to collect, treat, and retain surface water drainage within the subject site, with infiltration to ground via 5 no. proposed soakaways.

8.2.19. Given that surface water drainage will infiltrate into the ground, it is considered that there is an indirect hydrological pathway to conservation sites within Ballyallia Lough via surface water drainage to the down-gradient waterbodies located to the north of the site. The potential for effects on European sites is fully considered in the Natura Impact Statement (NIS) that accompanies the application.

8.2.20. No significant effects are expected on habitats, fauna and flora and designated sites during the operational phase of the proposed development. No lighting is proposed onsite. The construction of the new drainage networks complies with SUDS and County Council requirements and as a result will have negligible impact on habitats and species surrounding proposed development site.

8.2.21. Table 5 outlines standard construction and operational mitigation measures which will be incorporated into the proposed development to minimise the potential negative impacts on the ecology within the Zone of Influence (ZoI), biodiversity, and local biodiversity within / proximate to the subject site.

8.2.22. Mitigation measures for biodiversity and watercourses include detailed water protection measures including lines of silt fencing will be constructed along the northern boundary of the site during construction, all stockpiles will be damped down or covered to prevent the creation of nuisance dust and also prevent sediment runoff in times of heavy precipitation, scheduling of works to avoid heavy rainfall, the appointment of an Ecological Clerk of Works (ECoW) to oversee the works and a pre-construction survey will be carried out for terrestrial mammals of conservation importance.

8.2.23. In relation to cumulative impacts, the submitted EcIA also considers recent planning history in the area and concludes that no significant effects on biodiversity will be seen as a result of the proposed development alone or in combination with other projects.

8.2.24. Overall, the EcIA concludes that having regard to the construction and operational mitigation proposed no significant effects on biodiversity are likely. Residual effects on biodiversity are considered to be not significant and short term. I have considered the matters raised in the public submissions. Having reviewed the information set out on file I am satisfied that the EcIA provides a detailed, robust and thorough consideration and overall conclusion of all matters pertinent to an EcIA. I see no reason why the proposed development subject to mitigation measures as set out in the EcIA would significantly adversely impact on local ecology.

Hydrology and Hydrogeology

8.2.25. The application is accompanied by a Hydrological and Hydrogeological Assessment carried out by Hydro Environmental Services (HES) dated August 2025 on behalf of

the applicant Clare County Council. This report also includes a site investigation completed by Ground Investigations Ireland (GII) in April 2022, a geophysical survey carried out by Minerex Geophysics Ltd (MGX) and a trial hole report (2025) by P. Coleman and Associates.

8.2.26. I note the contents of the public submissions received – 3 of the submission (Dermot Anthony Queally, Robert Behan and Pat Tierney) generally relate to drainage and flooding issues. The public submission from Michael Duffy BE CEng MIEI also raises these concerns and goes into details in relation to the conclusions of the submitted Hydrological and Hydrogeological Assessment.

8.2.27. I also note the contents of the initial submission from Uisce Eireann who set out that the proposed cemetery extension is located in the Zone Of Contribution (ZOC) for the Ennis Public Water Supply (PWS) which supplies approx. 29,000 people in Ennis and the surrounding area. They note that given the sensitivity and importance of the underlying groundwater, they request that this risk is further assessed in accordance with published guidance, and that this assessment is submitted to Uisce Éireann for review prior to the commencement of development.

8.2.28. In response to UE submission, HES on behalf of the applicant Clare County Council sets out that the scope and methodology of their assessment was agreed with UE prior to the first planning application for Drumcliff burial ground extension. They set out that an extended period of consultation with Uisce Éireann over a two-year period was undertaken to determine UE requirements for hydrological/hydrogeological assessment in relation to potential effects on the underlying groundwater body (and the nearby Drumcliff Spring abstraction). The consultations included information submitted by the applicant (site investigations carried out and the conceptual site model of the site based on these findings) and this was reviewed internally by Uisce Eireann and also externally by an appointed, independent hydrogeological consultant (TOBIN) for feedback and comment.

8.2.29. Noting this response, ACP invited Uisce Eireann to respond to the applicant's response document. Uisce Eireann submitted comments dated 07th April 2026 stating that they were satisfied with the applicant's response in relation to its groundwater assessment for the proposed development and recommended that any grant of permission comply with the Water Framework Directive and River Basin Management

Plan objectives, the requirements of the Groundwater Directive, Article 6(1) of Directive 2000/60/EC and meet the requirements of EIA Directive 2014/52/EU.

8.2.30. The submitted Hydrological and Hydrogeological Assessment includes a desk study of the site and the surrounding area completed in advance of a walkover survey. A summary of baseline environmental conditions at the site and surrounding area is presented in Table A.

8.2.31. There are no mapped watercourses or springs, or areas liable to flooding mapped within the site.

8.2.32. The Ennis Water Treatment Works is situated directly south (and up-gradient) of the proposed development site with the water sourced from the Drumcliff Spring PWS which is situated circa 1km southwest of the proposed development site. The Treatment Works supplies circa 12,000 m3/day to Ennis and the surrounding area.

8.2.33. The site is mapped within the Drumcliff Springs Public Water Supply (PWS)'s Inner protection zone. The nearest mapped karst feature to the site is the Poulacorey swallow hole, located circa 200m north of the existing burial grounds, and circa 250m north of the proposed development site.

8.2.34. Soils within the site are mapped by the EPA as well-drained fine loamy drift with limestones that have the association name of "Faoldroim" according to the SIS National Soils map. Subsoils within the site are mapped by the GSI as Till derived from Devonian sandstones. The site is underlain by limestone bedrock of the Burren Formation. There are no mapped faults on the site. The closest mapped fault is located circa 6.3km south of the site. The GSI does not record the presence of any bedrock outcrop at the site.

8.2.35. There are no mapped karst features within the site. Approximately 250m north of the site, Poulacorey swallow hole is mapped, with traced underground connections with Drumcliff spring located approximately 1.3km further south. In response to Mr Duffy's submission that the site is in a karst environment, the applicants points out that the site investigation data carried out demonstrate that the proposed site is situated on the flanks of a drumlin, underlain by a thick layer of glacial boulder clay (8.5-13.5m deep), and as such is not situated on karstified bedrock but is in an area of low groundwater vulnerability.

8.2.36. In relation to Hydrology the site is situated within the Fergus_SC_030 sub-catchment, within the Shannon Estuary North catchment, Hydrometric Area no. 27 (www.epa.ie). The Drumcliff stream (EPA Code: 27D20) is approximately 230m north of the site, immediately north of the older "Calvary section" of the existing burial grounds on the northern side of the Drumcliff road. The Drumcliff stream feeds into the Poulacorry River (referred to by EPA as Shallee 27) which in turn feeds into the River Fergus. The River Fergus flows into Ballyallia Lake approximately 1km northeast of the site and exits the lake and flows south, approximately 600m southeast of the site.

8.2.37. The Drumcliff stream, Poulacorry River (Shallee 27) and the River Fergus waterbodies near the site are all mapped within the Fergus_050 section of the River Fergus. The Fergus_050 waterbody achieved 'Good' status under the WFD Assessment (2019-2024). The Fergus River flows into the Ballyallia Lake circa 1km east of the site. The Ballyallia Lake achieved 'Good' Status under the WFD Assessment Round (2019-2024). Both the Fergus_050 waterbody and Ballyallia Lake are considered not at risk under the WFD Assessment Round (2019-2024).

8.2.38. There are no surface water features within the site and therefore there are no direct hydrological connections or pathways to downstream surface waterbodies and designated sites.

8.2.39. In relation to Site Hydrogeology the applicant sets out that no groundwater was encountered during the trial pitting site investigations.

8.2.40. Groundwater Vulnerability within the site is mapped as Moderate, with a small section to the north mapped as High. The Groundwater vulnerability mapping generally increases in vulnerability to the north, as the subsoil decrease in thickness to the north. A local groundwater vulnerability map is shown in Figure E.

8.2.41. The applicant references the Groundwater Protection Scheme report for the Drumcliff PWS (Deakin and Daly, 2000), which describes the Devonian sandstone tills that are mapped to underlay the site as having a variable matrix which usually has a relatively high percentage of sand with significant clay. This is attributed to the nature of the Old Red Sandstone bedrock which comprises both coarse red sandstones and interbedded shales.

8.2.42. The Ennis GWB (IE_SH_G_160) achieved 'Good' status under the most recent WFD Assessment Round (2019-2024). I note the original code assigned to the Ennis GWB

was IE_SH_G_080, however IE_SH_G_160 is the code used in more recent reporting cycles for the Ennis GWB,

8.2.43. The Ennis GWB has achieved 'Good' status through all cycles of the WFD Assessment process since 2007. The groundwater body risk rating is 'at risk' for the Ennis GWB with Agriculture and Forestry as identified significant pressure in the Ennis GWB.

8.2.44. The nearest mapped karst feature to the site is the Poulacorey swallow hole, located circa 250m north of the proposed development site. The applicant sets out that a dye tracer test was performed at the Poulacorry swallow hole, with a positive detection at Drumcliff Springs, indicating a direct groundwater connection from this swallow hole to the Drumcliff Spring.

8.2.45. The site investigation completed by Ground Investigations Ireland (GII) in April 2022 included a site walkover to observe existing ground conditions, the excavation of 5 No. Trial Pits to a maximum depth of 1.90m and the carrying out of 5 No. Soakaways to determine a soil infiltration value to BRE digest 365. A full copy of the site investigation report is attached as Appendix I to the Hydrological and Hydrogeological Assessment and a map showing the locations of the site investigations is shown in Figure F.

8.2.46. The main findings of the site investigation data for the site are as follows:

- Cohesive deposits were encountered and were described typically as reddish brown slightly sandy gravelly CLAY with occasional cobbles or grey/brown slightly sandy gravelly CLAY. The secondary sand and gravel constituents varied across the site and with depth, with granular lenses occasionally present in the glacial till matrix.
- No groundwater was noted during the investigation. However, the investigation noted that the exploratory holes did not remain open for sufficiently long periods of time to establish the hydrogeological regime and groundwater levels would be expected to vary with the time of year, rainfall, nearby construction and other factors.

8.2.47. A geophysical survey of the proposed development was carried out by Minerex Geophysics LTD. (MGX) and is attached as appendix II to the Hydrological and Hydrogeological Assessment. This is a non-invasive approach. The survey consisted

of EM31 ground conductivity, 2D-Resistivity and seismic refraction (p-wave) investigations.

8.2.48. Its main objectives were to determine the ground conditions underlying the site, the depth to rock and the overburden thickness, to estimate the strength or stiffness or compaction of overburden materials and the bedrock quality, to determine the type of overburden and bedrock, to detect possible karstified zones within the bedrock or karst features and to identify potential groundwater flow paths under the site.

8.2.49. The overall conclusion of the geophysical surveys has been interpreted as showing a thick layer of clay (8.5 – 13.5 m of subsoils) across the site, indicating low to moderate groundwater vulnerability, and no indication of karstified limestone. No groundwater was encountered within the subsoils and it was determined that the unsaturated zone remains greater than 1m below the base of the gravesite throughout the year. The conclusion noted:

- At all locations, there was a strong correlation between all three geophysical survey methods.
- The EM31 Ground Conductivity data shows a consistent boulder clay overburden throughout the survey area.
- The 2D-Resistivity data shows thick boulder clay across all three lines. High resistivities at depth indicate a clean limestone bedrock.
- The seismic refraction data was very uniform across the survey area with only small variations in the overburden composition and rock depth across the survey area.
- The thick layer of clay dominated boulder clay would cause low groundwater permeability.
- Within the rock layer, there is no indication of karstified limestone. The thick overlying highly consolidated glacial till will provide good protection from any underlying karstified limestone that may be present deeper than the survey depth.

8.2.50. As per the Report on Trial Holes by P. Coleman & Associates, 7 no. additional trial holes (TH1 to TH7) were excavated across the proposed site in March 2025, and are shown in Figure G with the details set out in Appendix III. Each trial hole was excavated

to a depth of 2.4 m below the proposed finished level at that location. This equated to depths ranging approximately between 2.9 m and 5.4 m below existing ground level, depending on local topography and proposed fill depths.

8.2.51. The applicant details the results of the trial holes which found that the ground generally comprised approximately 150 mm of brown, slightly sandy/gravelly topsoil overlying reddish brown slightly sandy gravely Clay with cobbles and some boulders, extending to the full depth of each excavation.

8.2.52. In total I note that there was a total of 12 no trial pits excavated across the site and no bedrock was encountered in any of the trial pits. In relation to Mr Duffys submission that there is no recognition of the karst conduit between Poulacorey swallow hole connected to the Drumcliff Spring the applicant sets out that there is no scientific evidence from the intrusive site investigation data nor from the geophysical surveying carried out, of a karst conduit or any form of karst feature at depth beneath the proposed site.

8.2.53. Overall based on the information contained in the desk study and site-specific site data (trial pitting, soakaway tests and geophysical survey), the applicant has prepared a conceptual site model (CSM) for the proposed development site. Broadly, the site can be interpreted as being located on a low permeability drumlin feature, with a high degree of aquifer protection due to the underlying thick subsoil deposits. Due to the low/moderate permeability of the soil and subsoil and the inferred low permeability of the bedrock aquifer (from the geophysical survey), the primary pathway for rainfall is via surface water pathways (runoff) rather than via groundwater pathways. The low/moderate permeability of the subsoils will inhibit significant volumes of groundwater recharge from occurring within the site.

8.2.54. Section 4.3 of the assessment identifies all potential sources, pathways and receptors of contamination as well as plausible combinations of these three components.

8.2.55. Construction phase impacts include earthworks and drainage network construction and the potential release of hydrocarbons and cement-based products. Groundwater flowpaths and surface water runoff are considered to be the potential pathways.

8.2.56. In all cases I am satisfied that proven and effective measures to mitigate the risk of releases of contaminants have been proposed and will break the pathway between the potential source and each receptor which include Poulacorey karst feature (and

associated link with Drumcliff Spring PWS) and Ballyallia Lake. The control measures include silt fencing along the northern site boundary during construction, all stockpiles to be damped down or covered, no works to be carried out during heavy rainfall, refuelling will be completed in a controlled manner using drip trays at all times and no batching of wet-cement products or concrete plant washing to occur on site.

8.2.57. In the Operational phase groundwater flowpaths are not considered to be a potential pathway as the deep thickness of overburden at the site provides a significant degree of protection to the underlying aquifer and groundwater system.

8.2.58. Surface water pathways are considered the main potential pathway for the transport of cement-based pollutants in the operational phase. The proposed SuDs drainage system includes footpaths sloped towards green areas to allow for infiltration with any excess being collected by aco drains and directed to soakpits. Surface water from the roadway is to be collected by a french drain and directed to soakpits at the lowest point of the run. The regular maintenance and cleaning of the SuDS features will ensure that adequate performance is maintained.

8.2.59. In the operational phase the burial of human remains within the proposed burial ground extension could pose a risk to groundwater quality, through the natural breakdown of human remains, leading to elevated concentrations of certain nutrients, including ammonia and nitrates.

8.2.60. However, the applicant sets out that the ability of the proposed development site to impact on groundwater quality is limited due to the site's quaternary geology, which overlies the limestone aquifer system. This thick layer of subsoils, with low-moderate infiltration rates, provides an adequate buffer to the underlying aquifer. Further control measures are not considered necessary due to the thickness of subsoils present at the site (8.5-13.5m), which places the site within an area of Low-Moderate groundwater vulnerability, the low-moderate infiltration rate, the elevated nature of the extension site relative to surrounding surface water bodies, the lack of groundwater presence at grave base depth (circa 1.8m) and the historical data on groundwater quality at Pouladower swallow hole, indicates good quality water, with no increased levels of Ammonia.

8.2.61. I also note that the existing burial ground, which has been in operation for many years, does not appear to have had any effect on local groundwater quality and no concerns have been raised by Uisce Eireann.

8.2.62. Mr Duffy in his submission raises concerns that the application was not referred to the HSE. However, I am satisfied that public health is not an issue and has been addressed by the submission received from Uisce Eireann dated 07th April 2026 who are ultimately responsible for the provision of safe public drinking water. I am also satisfied that the application meets the recommended 250m separation distance from drinking water supplies as set out in the SEPA Guidance which was referenced in Uisce Eireann's initial submission. The proposal is located circa 250m from the Poulnacorry Swallow Hole to the north which is in turn connected to the Drumcliff Spring Public Water Supply circa 1km to the southwest and this distance complies with the minimum 250m separation required between burial grounds and drinking water sources. In addition, I recommend to the Commission that a condition be attached to any grant of permission that the grave base depth be no greater than 1.8m as set out in Section 4.4.2 of the applicants Hydrological and Hydrogeological Assessment.

8.2.63. In relation to cumulative impacts the applicant sets out that the construction phase of the project will be relatively short in nature, therefore limiting the potential for cumulative effect and during the operational phase, the hydrological regime at the site will be controlled by a range of sustainable drainage measures which are proven techniques to manage surface waters within this type of development. In addition, due to the overall good protection of the groundwater aquifer from the subsoil layers there is a low potential for cumulative effects on groundwater quality or surface water quality from the proposed development with respect to the existing Drumcliff burial ground.

8.2.64. Overall, I am satisfied that the submitted hydrological/hydrogeological assessment has set out that the proposed development presents a very low risk to the groundwater environment. Uisce Eireann in their submission dated 07th April 2026 did not raise any concerns and set out that that they are satisfied with the applicant's groundwater assessment. I also note that the burial ground at the Drumcliff is a long-established burial ground and has had no measurable impact on the local groundwater environment. Based on the assessment submitted, the site is situated on deep boulder clay subsoil (8.5-13.5m deep), and as such is in an area of low groundwater

vulnerability. I am satisfied that this low vulnerability, coupled with the proposed low burial rate (circa 2 burials/year), presents a very low risk to the hydrogeological environment.

Conclusion

8.2.65. Having regard to all of the above no significant adverse impacts on biodiversity and the hydrological and hydrogeological environment are anticipated, subject to the implementation of mitigation measures including water quality protection measures during the construction and operational phases. Other relevant mitigation measures outlined within the NIS are discussed in greater detail under Section 8.4 below.

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

8.3.1. I consider the likely consequences for the proper planning and sustainable development of the area can be addressed under the following headings:

- Principle of development
- Design and Layout
- Archaeology
- Visual and Residential Amenity
- Surface Water/Flooding

Principle of development

8.3.2. The proposal comprises the development of an extension to the existing Burial Ground at Drumcliff, Ennis, Co Clare. The applicant sets out in their Planning Report and Statement of Consistency the background to the proposal, justification for the project and the main development plan provisions relating to the subject site and surrounding area.

8.3.3. Drumcliff Burial Ground is the principal county facility serving Ennis and the wider county. The application details that the current operational section of the existing

graveyard (Section E – St. Brigid's) is projected to reach capacity within less than two years and the current application is essential public infrastructure required to fulfil a clear statutory duty under Sections 160, 172 and 173 of the Public Health (Ireland) Act 1878.

8.3.4. The NPF and the RSES do not specifically refer to Burial Grounds, however there are a number of overarching objectives which supports the provision of such facilities which are a vital land use for the public health needs of the population.

8.3.5. The proposed works would be compatible with the Community Uses zoning objective for the lands, and it would be in accordance with Objective CDP10.23 as set out in the Clare County Development Plan which seeks to provide extensions to existing burial grounds.

8.3.6. In addition, a similar proposal was approved by An Bord Pleanála in April 2024 under planning ref ABP-318080-23. The applicant sets out that the new planning application is required as the previous design had issues around accessibility, and it is considered that improvements could be made to ensure that the burial ground is usable to all members of the community. These revisions were considered to be material requiring the making of a new planning application to ACP.

8.3.7. Overall, I conclude that the proposed development is acceptable in principle and that it will meet the aims of sustainable development and the proper planning in this area. I am satisfied that the proposed development is in keeping with the national, regional and local policy provisions for the site and area.

Design and Layout

8.3.8. The original historic graveyard is located on the north side of the Drumcliff Road, and the newer graveyard is located on the south side of the road. The newer graveyard is accessed via two main entrance points off the Drumcliff Road via a linear car park, and via a spayed entrance adjoining the Drumcliff Road. There is also an existing laneway access along the western site boundary with the neighbouring houses. This access is to be utilised for construction traffic.

8.3.9. The site rises in a southerly direction towards the Ennis water treatment plant, and the site boundaries are defined by a mix of walls, fences, trees and hedgerows, with

mature trees in the western section. The proposed burial ground extension is occupied by an agricultural field, the works will not entail any significant vegetation removal and the proposed works include surface water drainage arrangements.

8.3.10. The project site is characterised by grassland and is located within the southwestern section of the newer St. Brigid's burial ground. The proposed development will run to the southern side of Section E of the existing burial ground and the existing service road. The site is a higher level than the existing service road and an access ramp which includes the provision of columbarium walls with circa 470 niches is proposed. The main service road extends along the western and southern site boundaries with laybys and parking spaces interspersed. A proposed new operations area with fence screening is proposed at the northwestern corner of the site adjacent to the rear boundary of the neighbouring house.

8.3.11. Overall given that the project will provide for an extension to an existing long established burial ground in line with several Development Plan policies, the design and layout of the proposed works are considered acceptable.

Archaeology

8.3.12. There are several heritage features in the vicinity of the site including the original historic Drumcliff Graveyard, Church, and Round Tower which are Recorded Monuments with the latter two also being National Monuments recognised as being of national significance.

8.3.13. The DAU in their submission outline a number of serious concerns with the 'Archaeological Appraisal Report ' report submitted with the application. They consider that the baseline archaeological environment has not been adequately characterised in the submitted desk-based archaeological report and that there is, therefore, insufficient information upon which to make an informed and appropriate archaeological recommendation.

8.3.14. The 'Archaeological Appraisal Report' makes reference to geotechnical site investigations that were conducted on site to determine the depth of soil and the levels of water penetration, however I note that these works were not carried out for archaeological purposes or under archaeological supervision.

8.3.15. The DAU note that it is generally preferable that archaeological works are completed prior to a planning decision being made as this facilitates the making of informed and appropriate archaeological recommendations. However, the DAU recommend that an AIA should be carried out as a condition of any grant of planning approval that may issue. In their submission they recommend a strongly worded condition to be attached to any grant of permission to ensure that appropriate archaeological mitigation at this archaeologically sensitive site takes place in advance of commencement of development.

8.3.16. In response to the submission received, the applicant Clare County Council commits to the actions and compliance measures set out by the DAU. Overall, I recommend to the Commission that the drafted condition set out in the submission received from the DAU be attached to any grant of permission.

Visual and Residential Amenity

8.3.17. The landscape character of the site is dominated by the existing burial ground on both sides of the rural road. In addition, the area surrounding the graveyard is mainly characterised by rural land uses along with several detached houses and farm buildings. The subject site sits above the established existing cemetery at an elevated position. There are two houses located adjacent to the western site boundary which is defined by a tree and hedgerow lined access lane with a gated access off the main road.

8.3.18. A line of mature trees defines the northern boundary of Section E of the existing burial ground and the existing laneway is lined with trees and hedgerow. The applicant has set out in the EcIA that no trees within the site are proposed to be removed.

8.3.19. Overall, I am in agreement with the applicant that the visual presentation of the hill is broken up by the line of trees at the northern side of Section E in the existing burial ground. In addition, the project would not adversely affect impact the visual amenities of the area, having regard to its scale and low-lying nature. I also note the contents of the submitted landscaping scheme which will add to the overall appearance of the landscape as well as improving the ecological value of the site.

8.3.20. In terms of general residential amenity, the proposed works would not overlook, overshadow, result in a loss of privacy, or otherwise adversely affect the amenity of

any nearby dwelling houses. Any localised removal of vegetation to accommodate the slight relocation of operations area towards the rear garden boundary of the adjacent house would have a minor adverse impact on the visual amenities and character of the area in the short term. However, the area would be bound by a screen fence and landscaping, and I am satisfied that the proposed works (incl. the relocated operations area) would not give rise to an adverse impact on the amenities of nearby houses in the long term.

Surface Water/Flooding

8.3.21. The site lies within a wider area that is prone to fluvial flooding along the various surface water bodies (incl. River Fergus & Ballyallia Lough). The application details the surface water drainage and flood prevention measures. In response to the submissions received the Civil Engineering response and the Hydro-Environmental Services response in the context of the overall hydrological and hydrogeological assessment of the site address surface water and flooding. The key points of note are:

- The drainage design for the proposed burial ground extension is based upon SuDS drainage principles and design, in accordance with the objectives outlined in the Clare County Development Plan 2023-2029.
- All surface water generated on the proposed extension will be captured and fully infiltrated on-site via soakaways and direct infiltration into green areas. There will be no discharge from the site to the public road or any downstream lands.
- Key elements of the design are
    - Surface water falling on green (grave) areas will infiltrate directly into those areas.
    - Footpaths are sloped toward adjacent green areas or collected via ACO drains and directed to dedicated soakaways.
    - Roadway runoff is served by French drains with land-drain pipe leading to a dedicated soakaway at the lowest point of the drainage run.
    - Gullies at the existing/proposed roadway.

- The design of the 2 no. soakaway pits has been informed by trial pitting and associated 5 no. soakaway tests to BRE digest 365 standard, with the soakaways being sized to accommodate runoff from the proposed extension.
- Regular maintenance and cleaning of the SuDS features will ensure that adequate performance is maintained.

8.3.22. Overall with regard to the submissions received and the issues raised around surface water and flooding I am satisfied that with the implementation of the proposed surface water drainage design, the proposal will not give rise to any additional flood risk or cause any adverse impact on the public road or neighbouring properties.

Conclusion

8.3.23. While environmental matters are discussed in detail in Section 8.2 above and 8.4 below, in summary, I consider that the proposed extension to Drumcliff burial ground is sensitively sited and complies with the relevant provisions of the operative Clare County Development Plan.

8.4. **The likely significant effects on a European site:**

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

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

Compliance with Articles 6(3) of the EU Habitats Directive:

8.4.2. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment 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.

The Natura Impact Statement

8.4.3. The application was accompanied by an NIS prepared by Altemar Marine & Environmental Consultancy which described the proposed development, the project site and the surrounding area. The NIS contained a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within several European Sites that have the potential to be affected by the proposed development. It predicted the potential impacts for these sites and their conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects on the European sites and their conservation objectives.

8.4.4. The NIS was informed by the following studies, surveys and consultations:

- A desk top study.
- A Hydrological and Hydrogeological Assessment prepared by Hydro-Environmental Services (HES) which accompanies the planning application.
- The Ecological Impact Assessment prepared by Altemar Ltd.
- Habitat surveys of the proposed site and surroundings carried out.

8.4.5. The report concluded that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would not undermine the conservation objectives or have an adverse effect upon the integrity of any European sites (the Natura 2000 network) during the construction or operational phases of the project, either alone or in-combination with other plans/projects.

8.4.6. 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. Details of mitigation measures are provided, and they are set out in Table 7 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

Appropriate Assessment

Stage 1 - Screening for Appropriate Assessment

8.4.7. I have had regard to submissions in relation to the potential impacts on European sites. Appendix 1 attached to this report sets out a detailed screening for AA and should be read in conjunction with this section of my report.

AA Screening Conclusion

8.4.8. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on the Ballyallia Lake SAC (000014) and Ballyallia Lough SPA (004041) in view of the site's conservation objectives. Appropriate Assessment is required.

8.4.9. This determination is based on:

- Due to the distance between the subject site and the the Ballyallia Lake SAC (000014) and Ballyallia Lough SPA (004041), the proximity of the subject site to down-gradient waterbodies (including Drumcliff Stream and Poulacorry River) and the nature of the proposed construction works, potential impact pathways have been identified for both habitats and species during the construction phase of the project.

8.4.10. The potential impacts are expanded upon in further detail as part of a Stage 2 Appropriate Assessment below.

Stage 2 – Appropriate Assessment

8.4.11. The submitted NIS identifies the potential for negative effects upon the Ballyallia Lake SAC (000014) and Ballyallia Lough SPA (004041) as a result of the proposed development and I concur that an Appropriate Assessment (AA) of the proposed development is required with respect to these aforementioned European sites.

8.4.12. Appendix 2 of this report sets out the detailed consideration of potential effects upon the aforementioned European sites as part of an Appropriate Assessment for this proposed development. The site-specific conservation objectives and species of conservation interest for the Ballyallia Lake SAC (000014) and Ballyallia Lough SPA (004041) are set out in Appendix 2. The AA determination is set out below.

AA determination – Conclusion

8.4.13. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

8.4.14. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Ballyallia Lake SAC (000014) and Ballyallia Lough SPA (004041) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

8.4.15. Following an examination, analysis and evaluation of the NIS, all associated material submitted and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Ballyallia Lake SAC (000014) and Ballyallia Lough SPA (004041) can be excluded in view of the conservation objectives of those sites and that no reasonable scientific doubt remains as to the absence of such effects.

8.4.16. My conclusion is based on the following:

- Detailed assessment of the construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into a live Construction and Environmental Management plan by the contractor at the development stage.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the maintenance, attainment or prevent or delay the restoration of favourable conservation condition of conservation objectives for the Ballyallia Lake SAC (000014) and Ballyallia Lough SPA (004041).

9.0 Recommendation

9.1. I recommend that the Commission approve the proposed development, for the following reasons and considerations and subject to the conditions set out below.

DRAFT ORDER

10.0 Reasons and Considerations

10.1. In performing its functions in relation to the making of its decision, the Commission had regard to:

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 EIA 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.
- 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 (AA)

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

- Project Ireland 2040 National Planning Framework, First Revision 2025 which supports the development of a region-focused strategy to manage growth and environmentally focused planning at a local level,
- Irelands 4th National Biodiversity Plan 2023-2030.
- Regional Spatial & Economic Strategy for the Southern Region 2020-2032

(d) Local Planning Policy including in particular:

- The provisions of the Clare County Development Plan 2023-2029.

(e) Other relevant national policy and guidance documents:

- the nature, scale and design of the proposed works as set out in the application for approval and the existing character of the area,
- 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,
- the Natura Impact Statement submitted,
- the submissions and observations made to An Coimisiún Pleanála in connection with the application,
- the report and the 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 SAC (000014) and Ballyallia Lough SPA (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 SAC (000014) and Ballyallia Lough SPA (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 Site's 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.

Proper Planning and Sustainable Development

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 a risk to water 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 adversely impact on the cultural, archaeological and built heritage of the area, would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation measures identified in the Natura Impact Statement, 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.

3. 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 the 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 interest of nature conservation and biodiversity.

4. 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 where prior written approval has been received from the planning authority.
   Reason: In order to safeguard the amenities of property in the vicinity.

5. The grave base depth shall be no greater than 1.8m in accordance with the details set out in the Hydrological and Hydrogeological Assessment.
   Reason: In the interest of public health and to protect the groundwater.

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 interests of nature conservation and mitigating ecological damage associated with the development.

7. The surface water drainage system shall be constructed in accordance with the the plans and particulars lodged with the application and a programme for the operational maintenance of the 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 developer shall prepare a final Construction Environmental Management Plan, 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 submitted to the Local Planning Authority to be held on file prior to the commencement of works. **Reason:** In the interest of public safety and amenity.

9. a. The applicant/developer shall engage a suitably qualified Archaeologist to carry out an Archaeological Impact Assessment (AIA) 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 AIA 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 Planning 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 Planning 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 AIA. Any further archaeological mitigation requirements specified by the Planning Authority, following consultation with the National Monuments Service of the Department, shall be complied with by the applicant/developer.

f. The Planning 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 applicant/developer.

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.

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.

Donogh O' Donoghue
Planning Inspector

28th April 2026

Appendix 1: Appropriate Assessment Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Case File – ABP- 323742-25	
Brief description of project	Proposed extension to the existing graveyard at Drumcliff Ennis, Co Clare.
Brief description of development site characteristics and potential impact mechanisms	The proposed development comprises the development of an extension to the existing Burial Ground at Drumcliff, Ennis, Co Clare. The development will include: 1. An addition of circa 413 double plots (or 826 single plots) including provision for ash plots. 2. Access road improvements including lay-bys, turning circle and traffic calming measures. 3. Provision of columbarium walls with circa 470 niches. 4. Parking - 23 standard spaces, 6 designated spaces for people with disabilities. 5. Footpaths and the provision of access ramps. 6. Drainage, landscaping works, and planting. 7. Associated Site Works. The proposed development site is not within a European site. The Ballyalia Lake SAC (Site Code: 000014) and Ballyalia Lough SPA (Site Code: 004041) are situated circa 100m north of the site. The site is predominantly a greenfield site and there are no surface water features within the site. However, there are a number of waterbodies (including the Drumcliff Stream and Poulacorry River) located topographically down-gradient to the north of the subject site. This network of waterbodies ultimately outfalls to Ballyallia Lough. Given that surface water drainage will infiltrate into the ground, it is considered that there is an indirect hydrological pathway to European Sites within Ballyallia Lough via surface water drainage to topographically down-gradient waterbodies located to the north of the site.
Screening report	Y
Natura Impact Statement	Y
Relevant submissions	The public submission from Michael Duffy BE CEng MIEI raises concerns that the Natura Impact Statement completely ignores the likely impacts from direct connectivity between the subject site and the Lower River Shannon SAC Site No: 002165 and the Ballyallia Lough SPA Site No: 004041. His submission notes that the site is located contiguous to SAC: 002165 - Lower River

	Shannon SAC and connected directly by a recorded subterranean conduit.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

3 No European sites were identified as being located within a potential zone of influence of the proposed development as detailed in the Table below. I note the applicants screening report considered all European sites within a 15km search radius which amounted to 21 No European sites. However, I consider that there is no ecological justification for such a wide consideration of the sites, and I have only included those sites with any possible ecological connection or pathway in this screening determination.

In addition, I note that the qualifying interest of a number of these European sites is *Rhinolophus hipposideros* (Lesser Horseshoe Bat) [1303]. As there is no direct or indirect hydrological pathway to these respective SAC's and given the distance to the European sites which is greater than 3km in all cases, the localised nature of the works as well as the absence of lighting and tree removal in the proposed development, no impacts on this qualifying interest is foreseen.

European Site (code)	**Qualifying interests[1] Link to conservation objectives (NPWS, date)**	**Distance from proposed development (km)**	**Ecological connections[2]**	**Consider further in screening[3] Y/N**
Ballyallia Lake SAC (000014)	Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150] www.npws.ie/protected-sites/sac/000014	The proposed development is located circa 100m from this designated site.	Due to the proximity of the proposed development to the SAC, there is indirect hydrological connectivity via surface water drainage during construction.	Y
Lower River Shannon SAC (002165)	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150]	The proposed development is located circa 400m from this designated site, on the far side of the Ennis water treatment plant.	There is no direct hydrological pathway to the SAC. There is an indirect hydrological connection to the SAC via surface water drainage during construction and operation. Surface water drainage will infiltrate into the ground and	N

	Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330] Mediterranean salt meadows (*Juncetalia maritimi*) [1410] Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation [3260] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*) [6410] Alluvial forests with *Alnus glutinosa* and Fraxinus excelsior (*Alno-Padion, Alnion incanae, Salicion albae*) [91E0] *Margaritifera margaritifera* (Freshwater Pearl Mussel) [1029] Petromyzon marinus (Sea Lamprey) [1095]		may enter topographically down-gradient waterbodies (including Drumcliff Stream and Poulacorry River), which ultimately outfall to the Ballyallia Lough. Outflowing from Ballyallia Lough is the River Fergus which is mapped within the Lower River Shannon SAC (Site Code: 002165), circa 600m southeast of the site. However, given the scale of the proposed development, natural infiltration of groundwater through subsoils, and the distance to the SAC across a complex watercourse network that outfalls to the Ballyallia Lough, no significant effects on the Qualifying Interests of the SAC are likely. Any silt or pollutants that may enter down-gradient waterbodies will settle, be dispersed, or diluted within the ground (infiltration through subsoils), the existing watercourse network, and within Ballyallia Lough. In the absence of any mitigation measures, no impacts on the qualifying interests of the European site are foreseen.	

	Lampetra planeri (Brook Lamprey) [1096] *Lampetra fluviatilis* (River Lamprey) [1099] *Salmo salar* (Salmon) [1106] *Tursiops truncatus* (Common Bottlenose Dolphin) [1349] *Lutra lutra* (Otter) [1355] www.npws.ie/protected-sites/sac/002165			
Ballyallia Lough SPA (004041)	A050 Wigeon Anas penelope A051 Gadwall Anas strepera A052 Teal Anas crecca A053 Mallard Anas platyrhynchos A056 Shoveler Anas clypeata A125 Coot Fulica atra A156 Black-tailed Godwit Limosa limosa A999 Wetlands www.npws.ie/protected-sites/spa/004041	The proposed development is located circa 100m from this designated site.	Due to the proximity of the proposed development to the SAC, there is indirect hydrological connectivity via surface water drainage during construction.	Y
There is potential for effects on the qualifying interests of the Ballyallia Lake SAC (000014) and the Ballyallia Lough SPA (004041) via discharge of surface water drainage from the development during construction. Given the nature of the proposed works (including minor reprofiling, excavations, and earthworks), it is considered that there is the potential for dust and contaminated (silt) surface water runoff to enter topographically down-gradient waterbodies (including Drumcliff Stream and Poulacorry River), which ultimately outfall to the Ballyallia Lough.				

In response to Mr Duffys submission the applicant sets out that the subject site is not contiguous to the Lower River Shannon SAC. It is mapped 600m from the Lower River Shannon SAC boundary. All the site investigation data demonstrates that the site is underlain by 8.5-13.5m of boulder clay, with no evidence of any karst features below this clay interpreted from the geophysical surveys. There is a swallow hole located at Poulacorey, 250m north of the proposed site, and there is a mapped tracer test to the Drumcliff spring, but there is no scientific evidence from the intrusive site investigation data nor from the geophysical surveying carried out, of a karst conduit or any form of karst feature at depth beneath the proposed site.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

The proposed development will not result in any direct effects on any European Site. However, due to the location of the development site, the nature of the works and its proximity to waterbodies (including Drumcliff Stream and Poulacorry River), which ultimately outfall to the Ballyallia Lough, impacts generated require consideration.

Sources of impacts and likely significant effects are detailed in the Table below:

AA Screening matrix

Site name **Qualifying interests**	**Possibility of significant effects (alone) in view of the conservation objectives of the site***	
	Impacts	**Effects**
Site 1: Name (code) Ballyallia Lake SAC (000014)	Direct: No - In the absence of any water features draining the site, there is no direct pathway or hydrological connection. Indirect: Yes - Indirect hydrological connectivity via surface water drainage during construction. - Negative impacts of run-off/discharge into the aquatic environment through impacts such as increased siltation, nutrient release and/or contamination.	Habitat loss/degradation.
	Likelihood of significant effects from proposed development (alone): Y	

	If No, is there likelihood of significant effects occurring in combination with other plans or projects?

Site name **Qualifying interests**	**Possibility of significant effects (alone) in view of the conservation objectives of the site***	
	Impacts	**Effects**
Site 2: Name (code) Ballyallia Lough SPA (004041)	Direct: No - noise during construction and operations will not significantly impact QI species of this site which is on the far side of an existing graveyard and QI species are already acclimatized to activity. Indirect: Yes –Indirect hydrological connectivity via surface water drainage during construction. - Negative impacts of run-off/discharge into the aquatic environment through impacts such as increased siltation, nutrient release and/or contamination could result in deterioration of sensitive designated habitats.	Habitat loss or degradation effecting bird species that forage or roost in the vicinity.
	Likelihood of significant effects from proposed development (alone): Y	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	

Further Commentary / discussion
Given the distance between the subject site to the nearest Natura 2000 Sites (100m to Ballyallia Lake SAC and Ballyallia Lough SPA), the proximity of the subject site to the Drumcliff Stream (170m), the nature of the proposed construction works, and the topographical nature of the subject site, it is considered that in the absence of mitigation, there is the potential for dust, pollution and surface water runoff to enter down-gradient waterbodies (including Drumcliff Stream and Poulacorry River) during construction with the potential for downstream impacts on Ballyallia Lake SAC and Ballyallia Lough SPA.

During operations, surface water drainage will infiltrate to ground via 5 no. proposed soakaways. The Hydrological and Hydrogeological Assessment accompanying this planning application conclude that due to the underlying thickness of subsoils, which provide a substantial protective layer to the underlying aquifer and the geophysical inference of good, clean, non-karstified limestone underlying the proposed extension site, the conclusion of the assessment process is that there will be no significant effects on groundwater quality as a result of the proposed development. Therefore, no significant effects on any European site are likely via surface water drainage during operations.

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has potential to result in significant effects on the Ballyallia Lake SAC (000014) and Ballyallia Lough SPA (004041)

I conclude that it is not possible to exclude the possibility that proposed development alone would result in significant effects on the Ballyallia Lake SAC (000014) and Ballyallia Lough SPA (004041) from effects associated with indirect habitat loss/deterioration. An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.

Proceed to AA.

Screening Determination

Significant effects cannot be excluded

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on the Ballyallia Lake SAC (000014) and Ballyallia Lough SPA (004041) in view of the site's conservation objectives. Appropriate Assessment is required.

This determination is based on:

- Due to the distance between the subject site and the the Ballyallia Lake SAC (000014) and Ballyallia Lough SPA (004041), the proximity of the subject site to down-gradient waterbodies (including Drumcliff Stream and Poulacorry River), the nature of the proposed construction works, potential impact pathways have been identified for both habitats and species during the construction phase of the project.

Appendix 2: Appropriate Assessment Determination

Appropriate Assessment
The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.
Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development for an extension to the existing graveyard at Drumcliff Ennis, Co Clare in view of the relevant conservation objectives of the Ballyallia Lake SAC (000014) and Ballyallia Lough SPA (004041) based on scientific information provided by the applicant and considering observations on nature conservation. The information relied upon includes the following: • Natura Impact Statement prepared by Altemar Ltd., Marine and Environmental Consultants, • Planning application documents, • NPWS website outlining conservation objectives, site synopsis and statutory instruments for protected sites. • Water Quality data from the EPA online GIS system. I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.
Submissions/observations The public submission from Michael Duffy BE CEng MIEI raises concerns that the Natura Impact Statement completely ignores the likely impacts from direct connectivity between the subject site and the Lower River Shannon SAC (Site No: 002165) and the Ballyallia Lough SPA (Site No: 004041). The submission notes that the site is located contiguous to SAC: 002165 - Lower River Shannon SAC and connected directly by a recorded subterranean conduit. In response to Mr Duffys submission the applicant refers to the site investigations carried as part of the Hydrological and Hydrogeological Assessment which demonstrates that the site is underlain by 8.5-13.5m of boulder clay, with no evidence of any karst features beneath the proposed site. Therefore the subject site is not connected directly to the Lower River Shannon SAC by a recorded subterranean conduit,
Ballyallia Lake SAC (SITE CODE - 000014): **Summary of Key issues that could give rise to adverse effects (from screening stage):** (i) Potential impact pathways (downstream impacts during construction) have been identified for qualifying habitat via surface water run-off effects during the construction phase of the proposed project

Qualifying Interest features likely to be affected	**Conservation Objectives Targets and attributes (summary- inserted)**	**Potential adverse effects**	**Mitigation measures (summary)**	
Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]	To maintain the favourable conservation condition of Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation in Ballyallia Lake SAC. Habitat area: stable or increasing Habitat distribution: no decline Typical species: present and in good condition Vegetation composition: correctly distributed and in good condition Vegetation distribution: Maintain maximum depth of vegetation Hydrological regime: Maintain appropriate natural hydrological regime necessary to support the habitat Lake substratum quality: Maintain appropriate substratum type, extent and chemistry to support the vegetation	During construction surface water run off may lead to silt or contaminated materials from site entering the downstream watercourse network and ultimately the SAC resulting in deterioration in water quality, thereby reducing habitat quality.	Silt fencing will be constructed along the northern boundary of the site during construction, All stockpiles will be damped down or covered to prevent creation of nuisance dust and sediment runoff, no works to be carried out during high rainfall periods, Fuel, oil and chemical storage to be sited within a bunded area located at least 50m away from drains, Refuelling of machinery to be completed in a controlled manner using drip trays at all times, Any fuel and chemical stores including tanks and drums will be regularly inspected for leaks, Drip-trays will be used for fixed or mobile plant such as pumps and generators in order to retain oil leaks and spills, An emergency spill kit will be available on site, No batching of wet-cement products	

	Water quality: transparency, Maintain appropriate Secchi transparency Water quality: nutrients, Maintain the concentration of nutrients in the water column at sufficiently low levels to support the habitat and its typical species Water quality: phytoplankton biomass, Maintain appropriate water quality to support the habitat, including good chlorophyll *a* status Water quality: phytoplankton composition, Maintain appropriate water quality to support the habitat, including good phytoplankton composition status Water quality: attached algal biomass, Maintain trace/absent attached algal biomass and good phytobenthos status Water quality: macrophyte status, Maintain good macrophyte status Acidification status: Maintain appropriate water and sediment pH, alkalinity and cation concentrations to support the habitat,		will occur on site, Ready-mixed supply of wet concrete products where possible, No washing out of any plant used in concrete transport or concrete operations will be allowed on-site. A project ecologist will be appointed to oversee works, Local silt traps to be established throughout the site, Trucks leaving the site with any excavated material will be covered so as to avoid dust emissions along the haulage routes, Any road that has the potential to give rise to fugitive dust will be regularly watered, Re-vegetation of earthworks and exposed areas to stabilise surfaces as soon as practicable.	

	subject to natural processes Water colour: Maintain appropriate water colour to support the habitat Dissolved organic carbon: Maintain appropriate organic carbon levels to support the habitat Turbidity: Maintain appropriate turbidity to support the habitat Fringing habitat: Maintain the area and condition of fringing habitats necessary to support the natural structure and functioning of the lake habitat			
The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.				
Assessment of issues that could give rise to adverse effects: **(i) Water quality degradation** Surface water emissions during the construction phase of the proposed development could potentially result in a deterioration of water quality. The conservation objective and condition of the designated habitat in the SAC are defined by attributes related to water quality, including transparency, nutrient concentration, phytoplankton biomass and composition, algal biomass, macrophyte and acidification status and organic carbon levels, which all would be negatively impacted by a deterioration in water quality. This would then pose a risk of the designated site not meeting its conservation objective and thus affecting the overall integrity of the site. **Mitigation measures and conditions** *Measures to avoid impact on water quality* • Measures to be implemented with regard to surface water runoff and subsequent treatment before release off-site include lines of silt fencing to be constructed along the northern boundary of the site during construction, all stockpiles to be damped down or covered in a sheet of polythene, as required, which will prevent the creation of nuisance dust, and will also prevent sediment runoff in times of heavy precipitation, restriction of				

construction to within well marked areas and the adherence to the non-carrying out of construction during or after heavy rainfall,

- Refuelling to be completed in a controlled manner using drip trays at all times,
- Any fuel and chemical stores including tanks and drums to be regularly inspected for leaks and signs of damage,
- All fuels, oils and construction fluids to be stored in an impermeable storage area at least 50m from any watercourse,
- Drip-trays to be used for fixed or mobile plant such as pumps and generators in order to retain oil leaks and spills,
- Spill Kits will be available on site,
- No batching of wet-cement products will occur on site. Ready-mixed supply of wet concrete products where possible,
- No washing out of any plant used in concrete transport or concreting operations will be allowed on-site,
- A project ecologist will be appointed to oversee works,
- Local silt traps established throughout site,
- Trucks leaving the site with any excavated material will be covered so as to avoid dust emissions along the haulage routes,
- Speed limits on site (15kmh) to reduce dust generation and mobilisation.
- Hard surface roads will be swept to remove mud and aggregate materials from their surface while any un-surfaced roads will be restricted to essential site traffic.
- Cutting, grinding or sawing equipment to be fitted with or in conjunction with suitable dust suppression techniques will only be used,
- Earthworks and exposed areas/soil will be re-vegetated to stabilise surfaces as soon as practicable

I am satisfied that the mitigation measures proposed which are aimed at interrupting the source-pathway-receptor are targeted at the key threats and by arresting these pathways or reducing possible effect to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in Planning Conditions 2, 3 and 8 of the Inspectors Report.

In-combination effects

I am satisfied that in-combination effects have been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects. I have also reviewed the Planning Register in relation to the proposed development since the lodgement of the application and am satisfied that there are no new applications which would materially impact the proposed scheme in terms of cumulative impacts.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for Ballyallia Lake SAC (SITE CODE - 000014). The mitigation

measures will ensure that contaminated surface water run-off and other pollutants will not be discharged to downgradient waterbodies (including Drumcliff Stream and Poulacorry River) and ultimately to the SAC during construction, and that there will be no deterioration in water quality or reduction in habitat quality. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the maintenance of the Conservation objective of the Ballyallia Lake SAC (SITE CODE - 000014). Adverse effects on site integrity can be excluded, and no reasonable scientific doubt remains as to the absence of such effects.

Ballyallia Lough SPA (SITE CODE - 004041)

Summary of Key issues that could give rise to adverse effects (from screening stage):

(i) Potential impact pathways (downstream impacts during construction) have been identified for qualifying habitats and species which would result in a deterioration of water quality, thereby reducing habitat and prey availability for SCI bird species.

Qualifying Interest features likely to be affected	**Conservation Objectives Targets and attributes (summary- inserted)**	**Potential adverse effects**	**Mitigation measures (summary)**
A050 Wigeon Anas penelope A051 Gadwall Anas strepera A052 Teal Anas crecca A053 Mallard Anas platyrhynchos A056 Shoveler Anas clypeata A125 Coot Fulica atra	To restore (to maintain - for A052 Teal Anas crecca and A156 Black-tailed Godwit Limosa limosa) the favourable conservation condition in relation to population and distribution – Long term population is stable or increasing, sufficient number of locations, area, and availability of suitable habitat to support the population target, Disturbance at wintering site: occurs at levels that do not significantly impact the achievement of targets for population trend and spatial distribution	During construction surface water run off may lead to silt or contaminated materials from site entering the downstream watercourse network and ultimately the SPA resulting in deterioration in water quality, thereby reducing habitat quality and prey availability.	Silt fencing will be constructed along the northern boundary of the site during construction, All stockpiles will be damped down or covered to prevent creation of nuisance dust and sediment runoff, no works to be carried out during high rainfall periods, Fuel, oil and chemical storage to be sited within a bunded

A156 Black-tailed Godwit Limosa limosa	Barriers to connectivity and site use: do not significantly impact the wintering population's access to the SPA or other ecologically important sites outside the SPA Forage spatial distribution, extent and abundance: sufficient number of locations, area of suitable habitat and available forage biomass to support the population target Roost spatial distribution and extent: sufficient number of locations, area and availability of suitable roosting habitat to support the population target Supporting habitat: sufficient area of utilisable habitat available in ecologically important sites outside the SPA		area located at least 50m away from drains, Refuelling of machinery to be completed in a controlled manner using drip trays at all times, Any fuel and chemical stores including tanks and drums will be regularly inspected for leaks, Drip-trays will be used for fixed or mobile plant such as pumps and generators in order to retain oil leaks and spills, An emergency spill kit will be available on site, No batching of wet-cement products will occur on site, Ready-mixed supply of wet concrete products where possible, No washing out of any plant used in concrete transport or concrete operations will be allowed on-site. A project ecologist will be appointed to oversee works, Local silt traps to be established throughout site, Trucks leaving the site with any excavated material will be covered so as to
A999 Wetlands	To maintain the favourable conservation condition in relation wetland habitat area, quality and functioning - No significant loss to wetland habitat and no significant impact on the quality or functioning of the wetland habitat within the SPA, other than that occurring from natural patterns of variation.		

			avoid dust emissions along the haulage routes, Any road that has the potential to give rise to fugitive dust will be regularly watered, Re-vegetation of earthworks and exposed areas to stabilise surfaces as soon as practicable.

The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Assessment of issues that could give rise to adverse effects:

(i) Water quality degradation

Surface water emissions during the construction of the proposed development could potentially result in a deterioration of water quality, thereby reducing habitat quality and prey availability. This would also give rise to potential indirect impacts to the QI bird species of the Ballyallia Lough SPA (SITE CODE - 004041).

Mitigation measures and conditions

Measures to avoid impact on water quality

- Measures to be implemented with regard to surface water runoff and subsequent treatment before release off-site include lines of silt fencing to be constructed along the northern boundary of the site during construction, all stockpiles to be damped down or covered in a sheet of polythene, as required, which will prevent the creation of nuisance dust, and will also prevent sediment runoff in times of heavy precipitation, restriction of construction to within well marked areas and the adherence to the non-carrying out of construction during or after heavy rainfall,
- Refuelling to be completed in a controlled manner using drip trays at all times,
- Any fuel and chemical stores including tanks and drums to be regularly inspected for leaks and signs of damage
- All fuels, oils and construction fluids to be stored in an impermeable storage area at least 50m from any watercourse,
- Drip-trays to be used for fixed or mobile plant such as pumps and generators in order to retain oil leaks and spills,
- Spill Kits will be available on site,
- No batching of wet-cement products will occur on site. Ready-mixed supply of wet concrete products where possible,

- No washing out of any plant used in concrete transport or concreting operations will be allowed on-site,
- A project ecologist will be appointed to oversee works,
- Local silt traps established throughout site,
- Trucks leaving the site with any excavated material will be covered so as to avoid dust emissions along the haulage routes,
- Speed limits on site (15kmh) to reduce dust generation and mobilisation.
- Hard surface roads will be swept to remove mud and aggregate materials from their surface while any un-surfaced roads will be restricted to essential site traffic.
- Cutting, grinding or sawing equipment to be fitted with or in conjunction with suitable dust suppression techniques will only be used,
- Earthworks and exposed areas/soil will be re-vegetated to stabilise surfaces as soon as practicable

I am satisfied that the mitigation measures proposed which are aimed at interrupting the source-pathway-receptor are targeted at the key threats and by arresting these pathways or reducing possible effect to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in Planning Conditions 2, 3 and 8 of the Inspectors Report.

In-combination effects

I am satisfied that in-combination effects have been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects. I have also reviewed the Planning Register in relation to the proposed development since the lodgement of the application and am satisfied that there are no new applications which would materially impact the proposed scheme in terms of cumulative impacts.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for Ballyallia Lough SPA (SITE CODE - 004041). No wetland habitat loss will occur. The mitigation measures will ensure that contaminated surface water run-off and other pollutants will not be discharged to downgradient waterbodies (including Drumcliff Stream and Poulacorry River) and ultimately to the SPA during construction, and that there will be no deterioration in water quality, reduction in habitat quality or indirect effects to QI and non-QI bird species. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the restoration and maintenance of the Conservation objective of the Ballyallia Lough SPA (SITE CODE - 004041). Adverse effects on site integrity can be excluded, and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Ballyallia Lake SAC (SITE CODE - 000014) and the Ballyallia Lough SPA (SITE CODE - 004041) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.
Following an examination, analysis and evaluation of the NIS, all associated material submitted and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Ballyallia Lake SAC (SITE CODE - 000014) and the Ballyallia Lough SPA (SITE CODE - 004041) can be excluded in view of the conservation objectives of those sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of the construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into a live Construction and Environmental Management plan by the contractor at the development stage.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the maintenance, attainment or prevent or delay the restoration of favourable conservation condition of conservation objectives for the Ballyallia Lake SAC (SITE CODE - 000014) and the Ballyallia Lough SPA (SITE CODE - 004041).

Appendix 3 – Form 1 - EIA Pre-Screening

Case Reference	**ACP - 323742-25**
Proposed Development Summary	Extension to existing Burial Ground
Development Address	Drumcliff, Ennis, Co Clare
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. **EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. **No Screening required.**	

☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	
☒ Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2)** OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b)(iv) - 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. Class 10 (dd) - Private roads which would exceed 2000 metres in length Schedule 7A information submitted

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☒	**Screening Determination required (Complete Form 3)**
No ☐	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

APPENDIX 4 – Form 3 - EIA Screening Determination Form

A. CASE DETAILS		
An Coimisiún Pleanála Case Reference	ACP 323742-25	
Development Summary	Extension to existing St Brigid's Burial Ground at Drumcliff, Ennis, Co. Clare.	
Sub-threshold - development class referred to under Schedule 5 of Planning and Development Regulations 2001 (as amended) or Article 8 of Roads Regulations 1994:	Class 10(b)(iv) of Part 2 of Schedule 5 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. Class 10 (dd) of Part 2 of Schedule 5 Private roads which would exceed 2000 metres in length	
	Yes / No / N/A	**Comment (if relevant)**
1. Was a Screening Determination carried out by the PA?	No	None undertaken by Planning Authority
2. Has Schedule 7A information been submitted?	Yes	EIAR Screening report prepared by MacCabe Durney Barnes Ltd on behalf of the applicant submitted with the application. It concludes that having regard to the scale, nature and location of the proposed impacts, the potential impacts and proposed mitigation measures and the results of other relevant assessments of the effects on the environment it considered that the proposed development would not be likely to have significant effects on the

		environment and it is recommended that environmental impact assessment report is not required.
3. Has an AA screening report or NIS been submitted?	Yes	NIS prepared by Altemar Marine & Environmental Consultancy submitted with the application – It concludes that adverse effects on European sites can be excluded in view of the conservation objectives of those sites.
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	N/A	N/A
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	Other assessments carried out include: • An EIA Screening Report which considers the EIA Directive (2011/92/EU, as amended by 2014/52/EU). • An Ecological Impact Assessment (EcIA) which considers the Habitats Directive (92/43/EEC) and Birds Directive (2009/147/EC). • A Hydrological & Hydrogeological Assessment Report which considers the Water Framework Directive (2000/60/EC). • Preliminary Construction & Environmental Management Plan which considers the content of the Waste Directive (2008/98/ED as amended by 2018/851).

		SEA was undertaken by the planning authority in respect of the Clare County Development Plan 2023-2029	
B. EXAMINATION	**Yes/ No/ Uncertain**	**Briefly describe the nature and extent and Mitigation Measures (where relevant)** (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) **Mitigation measures** –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	**Is this likely to result in significant effects on the environment?** **Yes/ No/ Uncertain**
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The site is currently partly in cemetery use and part greenfield/agriculture use which is located adjacent to the existing Drumcliff Burial Ground. The overall project is circa 2.342 ha.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	No	The overall setting and nature of the locality will not be significantly altered. Whilst a change of land use is proposed, the development is proposing an extension to	No

		an existing burial ground, with minimal impact on the existing vegetation across the site and allows the proposed development to integrate with the landscape in a sensitive manner on a gradual basis.	
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	No	The proposed development does not give rise to any significant impacts on the use of natural resources.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Construction phase activities would require the use of potentially harmful materials, such as fuels and create waste for disposal. The use of such substances would be typical of construction sites. Noise and dust emissions during the construction phase are also likely. All construction activities will be managed in accordance with the Preliminary CEMP/ final CEMP.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	No	No significant waste streams will be generated. Conventional waste will be produced from construction activity and will be managed through the implementation of the Preliminary CEMP/ final CEMP.	No

1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No	The project involves site clearance works, construction of access roads, pathways, carparking areas, drainage channels and soakaway and stockpiling of excavated soil. No surface water feature exists on site. Mitigation measures have been incorporated into the proposed construction phase and NIS in order to avoid potential effects on downgradient waterbodies (including Drumcliff Stream and Poulacorry River). These include lines of silt fencing along the northern boundary of the site during construction, all stockpiles will be damped down or covered to prevent the creation of nuisance dust/sediment runoff and the scheduling of works to avoid heavy rainfall. The mitigation measures will prevent deterioration of surface water bodies - Fergus_050 River waterbody (IE_SH_27F010600) and Ballyallia Lake waterbody (IE_SH_27_72). The site investigations carried out as part of the Hydrological and Hydrogeological Assessment by Hydro Environmental Services (HES) demonstrate that the proposed site is situated on the flanks of a	No

		drumlin, underlain by a thick layer of glacial boulder clay (8.5-13.5m deep). It therefore presents a very low risk to the groundwater environment - Ennis GWB (IE_SH_G_160).	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	Noise and vibration impacts are likely during the site development works. These works are short term in duration, and impacts arising will be temporary, localised, and be managed through implementation of the Preliminary CEMP/ final CEMP	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	In relation to the burial of human remains (circa 2 burials per year) the thick layer of subsoils, with low-moderate infiltration rates, provides an adequate buffer to the underlying aquifer. Therefore, the proposal is unlikely to give rise to risks to human health arising from contamination or pollution.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	There is no risk of major accidents given nature of the project and location of the site.	No
1.10 Will the project affect the social environment (population, employment)	Yes	The project will increase localised temporary employment activity at the site during site development works. The site development works will be short term in	No

		duration and impacts arising will be temporary and localised.	
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	The site is generally greenfield/agricultural site and is zoned for Community uses in the current Clare County Development Plan. No significant cumulative negative effects on the area arising from the project are anticipated.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: • European site (SAC/ SPA/ pSAC/ pSPA) • NHA/ pNHA • Designated Nature Reserve • Designated refuge for flora or fauna • Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	Yes	The proposed development site is not within a European site. The Ballyalia Lake SAC (Site Code: 000014) and Ballyalia Lough SPA (Site Code: 004041) are situated circa 100m north of the site. The site is mapped 600m from the Lower River Shannon SAC boundary. An NIS has been submitted with the application, and it is considered that the proposed development would not be likely to have a significant effect, individually or in-combination with other plans and projects, on a European Site. Mitigation measures will be in place to ensure that no silt or pollutants enters topographically down-gradient waterbodies (including Drumcliff Stream and Poulacorry River) that lead to conservation sites. Accordingly, I do not	No

		consider this aspect of the project likely to result in a significant effect on the environment in terms of ecological designations or biodiversity.	
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	No	The site is not under any wildlife or conservation designation. No rare or protected flora species were recorded on site. No trees are to be removed on site and no operational lighting is proposed. A Long-eared Owl has been previously recorded within the site (by Clare Coco) and mitigation is proposed in the control of light spill during construction to avoid potential for disturbance. The project is unlikely to have any direct impact, or indirect impact on bird nesting locations due to the construction and operational phase. The EcIA submitted as part of the application concludes that having regard to the construction and operational mitigation proposed no significant effects on biodiversity are likely.	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	The Archaeological Impact Assessment demonstrates that there are several heritage features in the vicinity of the site including the original historic Drumcliff	No

		Graveyard, Church, and Round Tower which are Recorded Monuments with the latter two also being National Monuments recognised as being of national significance. The AIA submitted by the applicant recommends that a series of test trenching be conducted on site prior to the commencement of development. The DAU submission generally concurs with this recommendation and recommends an AIA by a suitably qualified Archaeologist be carried out in advance of any site preparation works and groundworks. Overall having regard to scale, low-lying nature and the landscape design undertaken, it is considered that the proposed development will not have a significant negative impact on landscapes and sites of historical, cultural or archaeological significance.	
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	There are no such resources on or close to the site.	No

2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	The project is located on an elevated site and is not vulnerable to flooding or does not include any wetlands The Drumcliff Spring PWS is situated cira 1km southwest of the proposed development site and supplies circa 12,000 m3/day to Ennis and the surrounding area. The site investigations carried out as part of the Hydrological and Hydrogeological Assessment by Hydro Environmental Services (HES) demonstrate that the proposed site is situated on the flanks of a drumlin, underlain by a thick layer of glacial boulder clay (8.5-13.5m deep). It therefore presents a very low risk to the groundwater environment - Ennis GWB (IE_SH_G_160). No surface water feature exists on site. A range of mitigation measures are identified in the NIS, Hydrological and Hydrogeological Assessment and preliminary CEMP during the construction phase of the project to safeguard the quality of the surface water run-off, prevent pollution events to groundwater, and mitigate against excessive siltation. Operation phase impacts are addressed	No

		primarily through design, with a comprehensive surface water management system including SuDS features. The Uisce Eireann submission notes that they are satisfied with the applicant's groundwater assessment.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	There is no evidence identified of these risks.	No
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	Site development works will be short term in duration and impacts arising will be temporary, localised, and managed under the preliminary/ final CEMP. In the operational stage 23 on-site car parking spaces are proposed.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	The area surrounding the graveyard is mainly characterised by rural land uses along with several detached houses and farm buildings. There are no sensitive community facilities, such as hospitals or schools, in proximity to the site that could be significantly affected by the project.	No
3. Any other factors that should be considered which could lead to environmental impacts			

3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects with the project.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	N/A	There are no transboundary effects are arising.	No
3.3 Are there any other relevant considerations?	No	None	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	**X**	**EIAR Not Required**	
Real likelihood of significant effects on the environment.		EIAR Required	
D. MAIN REASONS AND CONSIDERATIONS			

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 2023-2029) and other relevant policies and objectives in the Clare County Development Plan 2023-2029, 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.

The Commission 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.

Inspector _____ **Date** _____

Approved (DP/ADP) _____ **Date** _____

Appendix 5 - Water Framework Directive

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	**ABP-323742-25**	**Townland, address**	Drumcliff, Ennis, Co Clare.
Description of project		Proposed development comprising an extension to existing St. Brigid's Burial Ground	
Brief site description, relevant to WFD Screening,		There are no drainage ditches or watercourse on the site and there are no mapped karst features within the site. The proposed cemetery extension is located in the Zone Of Contribution (ZOC) for the Ennis Public Water Supply (PWS), circa 1km from the Drumcliffe spring abstraction point. It is located within the inner source protection zone as mapped by the GSI, and the Poulacorry swallow hole which is connected to the Drumcliff Spring is located circa 250m north of the site.	
Proposed surface water details		During operations all surface water generated on the proposed extension will be captured and fully infiltrated on-site via soakaways and direct infiltration into green areas.	

Proposed water supply source & available capacity	Water supply will remain unchanged and will be via the existing Uisce Eireann watermain on the public road.
Proposed wastewater treatment system & available capacity, other issues	N/A
Others?	The application is accompanied by a Hydrological & Hydrogeological Assessment Report carried out by Hydro Environmental Services dated August 2025. The report details the application of the source-pathway-target model to assess potential impacts on downstream environmental receptors as a result of the proposed development. The proposed development site is not within a European site. The Ballyalia Lake SAC (Site Code: 000014) and Ballyalia Lough SPA (Site Code: 004041) are situated circa 100m north of the site. The site is mapped 600m from the Lower River Shannon SAC boundary.
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection	

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	Drumcliff 27 (27D20) stream is circa 230m north of the site, Poulacorry River (Shallee 27) and River Fergus	Fergus_050 IE_SH_27F010600 Fergus_SC_030 sub-catchment	Good	Not at Risk	No pressures	There are no surface water features within the site and therefore there are no direct hydrological connections or pathways to the downstream surface waterbody
Lake Waterbody	Ballyallia Lake is circa 1km east of the site	Ballyallia IE_SH_27_72	Good	Not at Risk	No pressures	There are no surface water features within the site and

						therefore there are no direct hydrological connections or pathways to the downstream surface waterbody
Groundwater waterbody	Underlying Site, Drumcliff Spring public water supply is circa 1km southwest of proposed site. The site is within the Source Protection Zone for the	Ennis GWB IE_SH_G_160 (original code for this GWB was IE_SH_G_080)	Good	At Risk	Agriculture Forestry	Potential for contaminants to infiltrate to groundwater

		Drumcliff Spring PWS, Poulacorry swallow hole located 250m north of the site is connected to Drumcliff Spring					
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	**Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain'**

							proceed to Stage 2.
1.	Surface	Drumcliff 27 (27D20) stream, Poulacorry River (Shallee 27) and River Fergus. Ballyallia Lake. Poulacorey karst feature (and associated link with	Surface water runoff from bare soil and spoil storage areas	Potential for release of suspended solids during earthworks, accidental spillage of hydrocarbons during refuelling of plant and equipment, release from cement-based products.	Standard construction practice CEMP	Yes, The potential for the release of sediment laden surface water and hydrocarbons is an identified risk	Screened In

		Drumcliff Spring PWS.					
2.	Ground	Ennis GWB IE_SH_G_160	Groundwater flowpaths	Accidental spillage of hydrocarbons during refuelling of plant and equipment.	Standard construction practice CEMP	Yes, The potential for the release of hydrocarbons is an identified risk	Screened In
OPERATIONAL PHASE							
1.	Surface	Drumcliff 27 (27D20) stream, Poulacorry River (Shallee 27) and River Fergus.	Site drainage network/Surface Water Runoff	Hydrocarbon spillage, release from cement-based products.	Proposed drainage system including the regular maintenance and cleaning of the SuDS	No - With the implementation of the standard best practice drainage control measures	Screened Out

		Ballyallia Lake. Poulacorey karst feature (and associated link with Drumcliff Spring PWS.			features will ensure that adequate performance is maintained	adverse effects on the downstream surface water quality and quantity will not occur.	
2.	Ground	Ennis GWB IE_SH_G_160	Groundwater Flowpaths, groundwater infiltration through subsoils.	Hydrocarbon spillage, The burial of human remains	None required - The impact on groundwater quality is limited by the thick subsoils present at the site, which act as a protective buffer between the burial area and	No	Screened out

					the underlying limestone aquifer. No presence of groundwater at grave base depth (1.8m);		
DECOMMISSIONING PHASE							
	N/A						
STAGE 2: ASSESSMENT							
Details of Mitigation Required to Comply with WFD Objectives							
Surface Water							
Development/Activity e.g. culvert, bridge,	**Objective 1:Surface Water**	**Objective 2:Surface Water**	**Objective 3:Surface Water**	**Objective 4: Surface Water**	**Does this component**		

other crossing, diversion, outfall, etc	**Prevent deterioration of the status of all bodies of surface water**	**Protect, enhance and restore all bodies of surface water with aim of achieving good status**	**Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status**	**Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances**	**comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)**
	Describe mitigation required to meet objective 1:	**Describe mitigation required to meet objective 2:**	**Describe mitigation required to meet objective 3:**	**Describe mitigation required to meet objective 4:**	
Development Activity 1 Construction works	Site specific construction mitigation	Site specific construction mitigation	N/A	N/A	Yes

Site clearance works, Construction of access roads, pathways, carparking areas, drainage channels and soakaway, stockpiling of excavated soil.	methods described in the Hydrological and Hydrogeological Assessment and CEMP - Silt control measures (silt traps), no works to take place in adverse weather, monitoring of site run-off, fuels/oils to be stored in bunded area, Refuelling to be completed in a controlled manner using drip trays at all times, spill kits available on site, No batching of wet-cement products will occur on site, No washing out of any plant	methods described in the Hydrological and Hydrogeological Assessment and CEMP - Silt control measures (silt traps), no works to take place in adverse weather, monitoring of site run-off, fuels/oils to be stored in bunded area, Refuelling to be completed in a controlled manner using drip trays at all times, spill kits available on site, No batching of wet-cement products will occur on site, No			

	used in concrete operations will be allowed on-site.	washing out of any plant used in concrete operations will be allowed on-site.			
Development Activity 2 Operational phase	N/a	N/a	N/a	N/a	N/a
Details of Mitigation Required to Comply with WFD Objectives – Template					
Groundwater					
Development/Activity e.g. abstraction, outfall, etc.	**<u>Objective 1: Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater**	**<u>Objective 2 : Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status***	**<u>Objective 3:Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity**		**Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)**

	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	
Development Activity 1 Construction works Site clearance works, Construction of access roads, pathways, carparking areas, drainage channels and soakaway, stockpiling of excavated soil.	Site specific construction mitigation methods described in the Hydrological and Hydrogeological Assessment and CEMP – No plant maintenance to be carried out on site, fuels/oils to be stored in bunded area, Refuelling to be completed in a controlled manner using drip trays at all times, spill kits available on site.	Site specific construction mitigation methods described in the Hydrological and Hydrogeological Assessment and CEMP – No plant maintenance to be carried out on site, fuels/oils to be stored in bunded area, Refuelling to be completed in a controlled manner using drip trays at all	N/A	Yes

		times, spill kits available on site.		
Development Activity 2 Operational phase	N/a	N/a	N/a	N/a

Inspector: _____ Date: _____