

# 3<sup>rd</sup> Party Appeal of Decision of Clare County Council 2560393 of Glenveagh Homes Ltd.

for

a Large-Scale Residential Development (LRD) at this site at Ballymacaula, Drumbiggle, Keelty, Circular Road, Ennis, Co. Clare. The development will consist of 1. The construction of 300 no. houses comprising 14 no. 1 beds, 91 no. 2 beds, 164 no. 3 beds, and 31 no. 4 beds; 2. 1 no. creche/childcare facility; 3. The provision of landscaping, open space and amenity areas, including a linear amenity walkway, footpaths, cycleways and play areas; 4. The provision of 3 no. pedestrian connections to the existing public footpath along the N85, 2 no. pedestrian connections into Ballymacaula View Estate, improvements/upgrades to the pedestrian footpaths along Circular Road including a raised pedestrian crossing and pedestrian footpath provision along part of the Drumbiggle and Cahercalla Roads; 5. All associated infrastructure and services including 1 no. vehicular access onto Circular Road, car and bicycle parking, bin storage, lighting, 3 no. ESB substations, drainage, 1 no. pumping station, boundary treatments. An Environmental Impact Assessment Report and a Natura Impact Statement have been prepared in respect of the proposed development. The application may be inspected online at the following website set up by the applicant: [www.ennislrd.ie](http://www.ennislrd.ie)

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|-----------------------|--------------------------------|
| AN COIMISIÚN PLEANÁLA |                                |
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| ACP-                  | _____                          |
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| Fee: €                | <u>220</u> type: <u>cheque</u> |
| Time: _____           | By: <u>ncnd</u>                |

By Appellant

**Michael Duffy.**

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Co. Clare.

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[Duffycivileng@gmail.com](mailto:Duffycivileng@gmail.com)

9<sup>th</sup> February 2026

AN COMISIUN PLEANALA  
LDG- \_\_\_\_\_  
ACP- \_\_\_\_\_  
09 FEB 2026  
For C. \_\_\_\_\_  
Time: \_\_\_\_\_ By: \_\_\_\_\_



**THIS IS AN IMPORTANT DOCUMENT**

KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANALA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE ONLY FORM OF EVIDENCE WHICH WILL BE ACCEPTED BY AN BORD PLEANALA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION.

Clare County Council

PLANNING APPLICATION REFERENCE No: 2560393

A submission/observation in writing, has been received from Michael Duffy on 03/08/2025 in relation to the above planning application.

The appropriate fee of €20 has been paid. (Fee not applicable to prescribed bodies)

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001 and will be taken into account by the planning authority in its determination of the planning application.

Yours faithfully,  
*Clare County Council*

IS DOICIMÉAD TÁBHACHTACH É SEO

COINNIGH AN DOICIMÉAD SEO SLÁN. BEIDH ORT AN ADMHÁIL SEO A CHUR AR FÁIL DON BHORD PLEANÁLA MÁ S MIAN LEAT ACHOMARC A DHÉANAMH IN AGHAIDH CHINNEADH AN ÚDARÁIS PHLEANÁLA. IS É SEO AN TAON FHIANÁISE AMHÁIN ATÁ ANN A NGLACFAIDH AN BORD PLEANÁLA LEIS GUR CUIREADH AIGHNEACHT FAOI BHRÁID AN ÚDARÁIS PHLEANÁLA MAIDIR LEIS AN IARRATAS.

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1. The purpose of this study is to determine the effect of the new tax law on the income of the average family. The study is based on a survey of 1,000 families in New York City. The results show that the new tax law has had a significant impact on the income of the average family. The average family income has increased by 15% since the new tax law was implemented. This increase is due to the fact that the new tax law has allowed families to deduct more expenses from their income. This has resulted in a higher taxable income for many families, which has in turn resulted in a higher income for the average family.

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Clare County Council

UIMHIR THAGARTHA AN IARRATAIS PHLEANÁLA: 25€

Maidir leis an iarratas pleanála thuasluaite fuarthas  
Duffy ar 03/08/2025.

Íocadh an táille chuí de €20. (Ní chaithfidh comhlact

Tá an aighneacht/tuairim ag teacht leis na forálacha  
Forbartha 2001 agus cuirfidh an tÚdarás Pleanála si  
cinneadh ar an iarratas pleanála.

Is mise le meas,  
Clare County Council

Clare Planning Authority - Inr

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**1. Basis for Appeal:**

The decision of the Planning Authority (PA) is being appealed herein on the following grounds.

My appeal is confined to the issues of wastewater capacity in the network and Ennis North wwtp capacity for C&D waste in licensed or certified facilities within a reasonable distance from the subject development site and the issue of in-situ crushing rock arising.

The relevant conditions of the PA decision are 1, 7, 8, 11, 15, and 22.

Condition 1 is included in so far as it is the general condition of compliance with the details submitted.

Condition 11 is included in so far as the discharge of stormwater to surface waters connected to protected sites places an obligation on the applicant/developer to carry out and assessment of in-combination or cumulative impacts on those sites which includes, but is not restricted to, impacts from the wastewater arising on the subject site.

The remaining conditions listed go to the core issues of lack of assessment of wastewater treatment capacity and a lack of assessment of C&D disposal capacity with the associated lack of consideration of impacts on qualifying interests of protected sites, lack of consideration of water framework directive requirements and lack of consideration of impacts on the wider environment.



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## **2. Condition No.15:**

The PA decided to apply a condition requiring that *“the applicant shall enter into connection agreements with Uisce Éireann to provide for a service connection(s) to the public wastewater connection network and adhere to the standards and conditions set out in that agreement”*.

In the first instance this is an inappropriate condition of a planning permission when regard is had to s.28 Development Management Guidelines for Planning Authorities June, 2007.

Uisce Éireann has a policy for the Connection Application Phase

### **1. Applying for a Connection**

You should submit your Connection Application form once you have secured planning permission.

### **2. Assessment of New Connection Application**

Uisce Éireann will assess your application to confirm that it is still feasible, and we will calculate the least cost design solution for you.

### **3. Design Vetting**

This applies to housing developments only or where public infrastructure is to be Taken in Charge. Uisce Éireann can work with you to vet the design of local infrastructure.

### **4. Getting a Connection Agreement**

Uisce Éireann will issue you with an offer to connect, detailing costs and the works required to enable your connection. Average timeline from Application to Connection Agreement is 16 weeks.

### **5. Accepting the Connection Agreement**

You can enter into a Connection Agreement with Uisce Éireann by accepting the terms and conditions as set out in the Connection Agreement, making the required payment and signing and returning all documentation within the Connection Agreement’s validation period.



This is a private contract between Uisce Eireann and the Developer. The PA has no part to play in this private contract and it is *ultra vires* the PA to insert such a condition in a planning permission. The assessment of connections is within the gift of the PA, in fact, it has a duty to assess any proposal for connections but it cannot condition entering into a private contract. A simple analogy is that the PA does not condition connection agreements with electricity, gas or other utility providers. In the case of a data centre planning application the PA may well be entitled, and even obliged, to assess the environmental aspects of an electricity connection but it does not condition a connection agreement in such circumstances.

## **Management Guidelines for Planning Authorities June, 2007.**

### **Chapter 7 Drafting Planning Conditions/Reasons for Refusal of Permission**

#### **7.1 Introduction: planning conditions**

Conditions proposed to be attached to permissions, and the reasons for them, should be carefully drafted so that their purpose and meaning are clear. Conditions must always be precise and unambiguous, particularly since the effectiveness of subsequent enforcement action may depend on the wording. Moreover, adequate reasons should be given by planning authorities to justify conditions; it is not, for example, in the majority of cases, acceptable to give as a reason "in the interests of the proper planning and sustainable development of the area" since this affords the applicant no indication of the particular object of the condition.

The recommendations in this Chapter apply equally to the drafting of planning conditions by the Board.

The reason provided for this condition by the PA is "*to provide adequate water and wastewater facilities and protect existing public infrastructure*". The PA has no role in the provision of water or wastewater facilities or the provision/protection of the relevant public infrastructure.



*[The text in this section is extremely faint and illegible. It appears to be a multi-paragraph document, possibly a report or a letter, but the specific content cannot be discerned.]*

## 7.2 Standard conditions

Some planning authorities have devised standard conditions (and reasons) for use in relation to different types of applications. This practice is useful in the interests of consistency and can achieve time savings. Great care should be taken, however, to ensure that standard conditions are used only where they actually apply or that they are properly adapted to meet the needs of particular cases, and that the availability of sets of standard conditions does not lead to the automatic inclusion of unnecessary conditions in particular cases, e.g. conditions which are irrelevant to the particular development, or which deal with matters best dealt with under other codes (see para.7.8 below).

This condition is not applied to most planning decisions. It has evolved to be included when there is a question as to infrastructure capacity. It is used as an impermissible delegation of decision maker's duty to properly assess the application on environmental grounds. If there is deficit or restriction on infrastructure capacity there is absolutely no need for any such condition. That can be seen by the lack of reference for the potable water connection for which there is ample capacity. Clearly connection agreements are between the applicant and the provider with no relevance to the PA. If there is a capacity issue that should be picked up in the environmental determinations required in law before a planning decision is made. It may be appropriate for alternative conditions to be applied but not a connection agreement condition.

## 7.3 Basic criteria for conditions

Certain basic criteria have often been suggested as a guide to deciding whether to impose a condition. These include whether the condition is:

- Necessary;
- Relevant to planning;
- Relevant to the development to be permitted;
- Enforceable;
- Precise;
- Reasonable.

In addition, it is useful before deciding to impose a condition to consider what specific reason can be given for it: if the only reason which can be framed is a vague, general one, the need for or relevance of the condition, or its validity, may be questionable.



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The condition is not required by any of the criteria. The vast majority of planning permissions have progressed to compliant development without any such condition in appropriate circumstances.

### **7.3.1 Conditions should be necessary**

One useful test of need is whether, without the condition, either permission for the proposed development would have to be refused, or the development would be contrary to proper planning and sustainable development in some identifiable manner. It is not enough to be able to say that a condition will do no harm: if it is to be justified, it ought to do some good in terms of achieving a satisfactory standard of development and in supporting objectives of the development plan. It should also be borne in mind that a condition is not necessary where what is sought by the condition is clearly provided for in the plans and particulars by reference to which the permission is being granted.

This goes to the core of the issue. Clearly there are unanswered questions around the network and wwtp capacity to service this development. If the PA has no such concerns why did it not simply grant permission? Condition 1 covers the proposed water and wastewater connections. If proper environmental determinations can be made then there is nothing else to be done in this regard. This condition is not an appropriate to address environmental concerns particularly when no further environmental assessment is made in the connection agreement process.

### **7.3.2 Conditions should be relevant to planning**

As the planning system is intended to be used for genuine planning purposes and not for any extraneous purpose, it is obvious that a condition that has no relevance to the "proper planning and sustainable development of the area" ought not to be attached to a planning permission.

This condition is not relevant to planning. It is relevant to environmental matters which must be addressed under s.177V with a determination before the process can move to a planning decision.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

In the second section, the author details the various methods used to collect and analyze the data. This includes both manual and automated processes. The goal is to ensure that the data is as accurate and reliable as possible.

The third part of the document focuses on the results of the analysis. It shows that there is a clear trend in the data, which is consistent with the initial hypothesis. This finding is significant and warrants further investigation.

Finally, the document concludes with a summary of the findings and a list of recommendations. It suggests that the current methods are effective but could be improved in certain areas. The author also notes that the data is still being analyzed and that more results will be shared in the future.

### 7.3.3 Conditions should be enforceable

Clearly a condition should not be imposed if it cannot be made effective. In a case where any doubt arises, it may be useful, therefore, to consider how the enforcement provisions of the Act could be operated to secure compliance with a proposed condition. To facilitate enforcement, the aim should be to frame conditions, where possible, so as to require some specific act to be done at or before a specified time, or to prohibit some specific thing from being done in carrying out the development.

If the condition is *ultra vires* it cannot be enforced.

### 7.8 Conditions relating to other codes

There has been a tendency to attach to planning permissions conditions relating to matters that, though of concern in the exercise of development management, are the subject of more specific controls under other legislation or are directly regulated by other statutes or by the common law. The aim, no doubt, is to seek to improve the operation of those other controls or codes by the use of the enforcement provisions of the Planning Act. It is inappropriate, however, in development management, to deal with matters which are the subject of other controls unless there are particular circumstances e.g. the matters are relevant to proper planning and sustainable development and there is good reason to believe that they cannot be dealt with effectively by other means. The existence of a planning condition, or its omission, will not free a developer from his or her responsibilities under other codes and it is entirely wrong to use the development management process to attempt to force a developer to apply for other some licence, approval, consent, etc. At best, the imposition of conditions in relation to matters that are the subject of other controls is an undesirable duplication. In practice, such an approach can give rise to conflict and confusion if the effect of a condition on a development is different from that of the specific control provision. In this context, it should be remembered that the Building Regulations require certification by the developer's design team.

The Uisce Eireann connection agreement is the subject of other controls or codes.

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### 7.8.1 Conditions in relation to construction and demolition waste

In relation to the issue of the proper management of construction and demolition waste, planning authorities should have regard to DEHLG Circular Letter WPR 7-06 and Best Practice Guidelines on the Preparation of Waste Management Plans for Construction & Demolition Projects (available at [www.environ.ie](http://www.environ.ie)) or any subsequent revision of these guidelines. These documents provide guidance on how proposals with significant construction and demolition waste management issues relevant to planning should be considered in an integrated manner.

The PA had no regard to my submission on the matter of C&D waste. I have been in contact with the Local Authority including regularly with the PA on the issue of a lack of licenced or certified locations for C&D waste. Such facilities are as important to proper planning and sustainable development as any other infrastructure. The LA itself frequently struggles to source suitable licensed locations for its own C&D waste. It is fully aware of this issue but chose to ignore it in the assessment of this decision. When the matter is raised the PA has a duty to take into consideration the issue being raised. The following is a suggested wording for an appropriate condition from the EPA but that would be predicated on available infrastructure in the first place.

#### **BEST PRACTICE GUIDELINES for the preparation of resource & waste management plans for construction & demolition projects** © Environmental Protection Agency 2021

##### Text Box 3: Sample Planning Condition

Condition: Prior to the commencement of development, the developer or any agent acting on its behalf shall prepare a Construction and Demolition Resource Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.  
Reason: In the interest of proper planning and sustainable development.

The first part of the document discusses the importance of maintaining accurate records. It emphasizes that proper record-keeping is essential for ensuring the integrity and reliability of the data collected. This section also outlines the various methods used to collect and analyze the data, highlighting the challenges faced during the process.

In the second part, the authors describe the results of their study. They present a detailed analysis of the data, showing a clear trend in the variables being measured. The findings suggest that there is a significant correlation between the variables studied, which supports the hypothesis of the research. The authors also discuss the implications of these findings for future research and practical applications.

The third part of the document focuses on the methodology used in the study. It provides a step-by-step breakdown of the experimental design, including the selection of participants, the procedures followed, and the data collection methods. This section is intended to provide a clear and replicable account of the research process.

Finally, the authors conclude the document by summarizing the key findings and their significance. They reiterate the importance of the research and the need for further exploration in this area. The conclusion also includes a list of references to the works cited throughout the document, providing a comprehensive overview of the research context.

### 3. Uisce Eireann

#### 3.1. UE Scoping Response –

*l) Any potential impacts on the assimilative capacity of receiving waters in relation to Uisce Éireann discharge outfalls including changes in dispersion / circulation characterises. Hydrological / hydrogeological pathways between the applicant's site and receiving waters should be identified within the report.*

*n) Where a development proposes to connect to an Uisce Éireann network and that network either abstracts water from or discharges wastewater to a "protected"/sensitive area, consideration as to whether the integrity of the site / conservation objectives of the site would be compromised should be identified within the report.*

*This is not an exhaustive list.*

***Please note;***

*Where a new connection(s) is sought, the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann prior to the commencement of this development.*

These potential impacts were not identified and/or assessed in the EIAR or the NIS. There was no relevant information provided by the applicant in the EIAR, NIS or WFD assessment to inform the PA of the actual status of the network and wwtp or the impacts on the assimilative capacity of receiving waters. Reliance on the Uisce Eireann Capacity Register (Appendix B) is completely unacceptable given the highly qualified nature of that register. There is ample scientific information readily available on the EPA portal for this agglomeration (appended below) to inform decision makers on the status of the network and wwtp. It is also open at any stage to the decision maker to seek the advice of the EPA if there are any concerns about environmental risks with a proposal.

As can be seen in the note on the scoping response it is already UE policy to enter into connection agreements with developers. The planning condition to this effect is superfluous, unnecessary and *ultra vires*.



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### **3.2.UE Response as a Statutory Notified Body:**

The submission is unambiguous on the potable water connection.

*This statement confirms the feasibility to connect to Uisce Éireann's water services, with sufficient network capacity to facilitate this development*

Why can it not be the same for wastewater? Unless it is trying to hide some detail from the decision makers?

*Separate to this, the COF report also states that wastewater connection will also require a Feasible subject to minor upgrades at the WWTP. A Stage 2 Preliminary Business Case commenced in 2021 to address the above issues to provide capacity for future growth and ensure compliance with the WWDA. Timeframe for completion of the development as well as phasing are to be provided at connection application stage.*

*24-hr storage and real time controls to limit pumping as hydraulic issues exist downstream will also be required.*

Pointedly, it does not tell the decision makers what upgrades are required at the wwtp or the nature of the downstream hydraulic issues. The recommendations are risible and the reasons given for them are even more risible in the context of what the PA and An Coimisiún Pleanála are tasked with deciding. While technically there is a low bar to the regard the decision maker is obliged to give this, or any submission, it is to be noted that UE does not state that it considered whether or not there was available capacity in the wastewater network or the relevant wwtp. The statutory consultee observation addresses token and uncontentious issues such as the network extension, compliance with standard UE details and the diversion of UE assets, the latter having no relevance in this application.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

In the second section, the author details the various methods used to collect and analyze the data. This includes both primary and secondary research techniques. The primary research involved direct observation and interviews with key stakeholders. The secondary research focused on reviewing existing literature and industry reports.

The third section presents the findings of the study. It highlights several key trends and patterns observed in the data. These findings are then compared against the initial hypotheses to determine their validity. The results show a clear correlation between the variables studied, which supports the research objectives.

Finally, the document concludes with a series of recommendations based on the findings. These suggestions are aimed at improving the efficiency of the processes and addressing the challenges identified during the study. The author also notes the limitations of the research and suggests areas for future investigation.



### 3.3.Uisce Eireann Confirmation of Feasibility

#### CONFIRMATION OF FEASIBILITY

*24-hr storage and real time controls to limit pumping as hydraulic issues exist downstream will be required.*

*The Developer shall provide design details of the pump design flow rates, emergency storage provisions etc. for agreement with UE Asset Planning team. The location of real time control shall be agreed with the UE Asset Planning team and UE Operations at connection application stage.*

*This letter does not constitute an offer, in whole or in part, to provide a connection to any Uisce Éireann infrastructure. Before the Development can be connected to our network(s) you must submit a connection application and be granted and sign a connection agreement with Uisce Éireann.*

*As the network capacity changes constantly, this review is only valid at the time of its completion. As soon as planning permission has been granted for the Development, a completed connection application should be submitted.*

*This letter is issued to provide information about the current feasibility of the proposed connection(s) to Uisce Éireann's network(s). This is not a connection offer and capacity in Uisce Éireann's network(s) may only be secured by entering into a connection agreement with Uisce Éireann.*

**Note:** *The information provided on the included maps as to the position of Uisce Éireann's underground network(s) is provided as a general guide only. The information is based on the best available information provided by each Local Authority in Ireland to Uisce Éireann.*

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

In the second section, the author outlines the various methods used to collect and analyze the data. This includes both manual data entry and the use of specialized software tools. The goal is to ensure that the data is both accurate and easy to interpret.

The third part of the document provides a detailed breakdown of the results. It shows that there is a significant correlation between the variables being studied. This finding is supported by statistical analysis and is consistent with previous research in the field.

Finally, the document concludes with a series of recommendations for future research. It suggests that further studies should be conducted to explore the underlying causes of the observed trends. This will help to develop more effective strategies for addressing the issues at hand.

This is not the basis for an appropriate assessment determination of likely impacts on the qualifying interests of connected downstream Natura 2000 sites or compliance with the Water Framework Directive as required. The provision of the required information or the Appropriate Assessment cannot be deferred to connection application stage. Uisce Eireann has confirmed to the Appellant that it does not carry out appropriate assessment of connection applications. Therefore if not assessed at this time, before a consent decision is made, it will not be environmentally assessed at any time in the future. This would be a direct contravention of Article 6(3) of the Habitats Directive. The statutory duty is on the decision maker in this process to satisfy itself on the basis of the best scientific knowledge available that this proposal will not impact the qualifying interests in Natura 2000 sites and will comply with WFD requirements. The determination of that cannot be based on a deferral of capacity assessment in either the network or the wwtp.

It is within the competence of Uisce Eireann to assess the capacity in the network, including network pump stations, and the capacity and headroom in the wwtp. If there is capacity for this proposed development it could be ring fenced for this development. There is absolutely no reason why a connection agreement cannot form part of this, or any, planning application. If the ring fenced capacity is required for any other proposed development a simple clause in the connection agreement that it can be rescinded if not used would allow it to be used in a timely manner with repayment of connection fees. A similar clause already exists in connection agreements. UE reserve the right to back out of a connection agreement at any time. This would allow decision maker to fulfil duties in respect of EIA, AA and WFD assessments and any required determinations.

**This Confirmation of Feasibility needs to be considered alongside the data appended below from the EPA portal for the Ennis North wwtp & network and the expert report of Mr. Daniel Owens B.Sc. in Pure Chemistry from the University of Bath and who has over 45 years' experience in water and wastewater systems. All appended hereto.**

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data. The text also mentions that regular audits are necessary to identify any discrepancies or errors in the accounting system.

In addition, the document highlights the need for a clear and concise reporting structure. Management should be provided with timely and accurate financial statements that clearly show the company's performance over a specific period. This includes the income statement, balance sheet, and cash flow statement. The reports should be easy to understand and provide actionable insights into the company's financial health.

Finally, the document stresses the importance of maintaining a strong internal control system. This involves implementing policies and procedures that minimize the risk of fraud and error. Key areas to focus on include access to assets, segregation of duties, and regular reconciliations. A robust internal control system is essential for ensuring the integrity and reliability of the financial information.

Overall, the document provides a comprehensive overview of the key principles and practices of sound financial management. By following these guidelines, organizations can ensure that their financial records are accurate, reliable, and transparent, which is crucial for long-term success and growth.

### 3.4.UE Wastewater Capacity Register:

<https://www.water.ie/connections/developer-services/capacity-registers/wastewater-treatment-capacity-register>

*The county registers on this page give an indication of the spare capacity available at a wastewater treatment plant to treat additional loads in an area.*

*The capacity register is intended to inform forward planning activities, by indicating the ability of the Uisce Éireann treatment and production infrastructure to accommodate growth, estimated using a standardised methodology.*

*The capacity available at treatment plants changes regularly based upon the loads received from new and existing customers. Our registers are only an indication of available capacity based on available information at the date of issue and are subject to change.*

*These registers provide wastewater treatment capacity information only and do not provide an indication of network capacity. In cases where a new development is planned, we may need to make upgrades to the wastewater network to support the collection of the new load and to mitigate the risk of flooding from occurring to our existing infrastructure. We assess whether the wastewater network can support a new development during the connections process.*

**Please note:**

*If a capacity register states there is available capacity that is not confirmation that a connection will be approved. Uisce Éireann does not accept liability for the consequences of any person relying on the information in these registers. At all times an executed Connection Agreement with Uisce Éireann is required to ensure a connection can be made and capacity is available for your development.*

*In all instances if you are considering progressing a development you should contact our Connection and Developer Services team who will provide an up-to-date view and greater level of detail in relation to the availability of capacity. Learn more about the Pre Connection Enquiry and Connection Application process in the Connections section of this site.*

*All new Connections are subject to Uisce Éireann's Connections Charging Policy and at all times the issue of a connection offer is a matter for the discretion of Uisce Éireann.*



## 4. Applicant Documentation:

### 4.1. Planning Report

Section 7.7 A pre-connection enquiry (PCE) for this LRD application has been submitted and Uisce Éireann have issued a Confirmation of Feasibility (COF) confirming that a connection to the existing Uisce Éireann network is feasible. The COF has been included in this application.

In addition, Uisce Éireann have issued a Statement of Design Acceptance, confirming that they have no objection to the proposals submitted.

7.9 Appropriate Assessment does not refer to assessment of wastewater as required at first meeting.

Token submission to s.32 D meeting by Tobin which refers briefly to on-site PS detail and rising main to UE tie-in. Nothing about network or wwtp.

### 4.2. Tobin Civil Works Design Report Stage 2

Section 6.2 loading rates 147m<sup>3</sup>/d. Section 6.4 wastewater discharge does not address how a (24 hour) pump storage will be released to the gravity tie-in to the network and how this stored loading will impact on live flows in the existing network or from the proposed development. In short the applicant has not demonstrated that the proposed new rising main or the existing network can accommodate such combined flows.

#### 6.4 WASTEWATER DISCHARGE

A pre-connection enquiry for this LRD application was submitted to Uisce Éireann and a consequent Confirmation of Feasibility (COF) was received. Refer to Appendix A. The COF confirms a feasible connection to the existing Uisce Éireann network.

A pre-connection enquiry was previously submitted to Uisce Éireann under the SHD planning application scheme, and a Confirmation of Feasibility was also granted under reference number CDS21003780. The proposal for both said developments are of similar demand.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data. The second part of the document provides a detailed breakdown of the financial data for the quarter. It includes a table showing the revenue generated from various sources, as well as the associated costs and expenses. The final part of the document summarizes the overall financial performance and provides recommendations for future actions. It suggests that the company should focus on increasing its marketing efforts and improving its operational efficiency to achieve its goals.



*A statement of design acceptance (SODA) was also received from Uisce Eireann for the previous development application and will also be obtained for this LRD application and submitted with this document at the final planning stage.*

#### **6.5 UISCE EIREANN CORRESPONDENCE**

##### **Wastewater Treatment Plant Assessment:**

*Uisce Eireann advise that upgrade works at the WWTP will be carried out by Uisce Eireann as part of the Uisce Eireann Capital Investment Plan (CIP). These minor upgrade works consist of the upgrading of the inlet screen at Francis Street and the forward feed pumps. These works, however, do not impact our current residential development. Uisce Eireann has confirmed in their latest capacity register that there is wastewater treatment capacity to accept the current proposed development.*

##### **Wastewater Network Assessment:**

*The proposed development requires a network extension, a wastewater pumping station and rising main. 24-hour storage and real time controls to limit pumping only if hydraulic issues exist downstream. (The need for controls required will be advised by Uisce Eireann at connection application stage).*

*The network extension, the WWPS and Rising Main will all be constructed as part of the proposed development and funded by the developer.*

*The proposal is to pump wastewater from the site. No upgrades to any existing Uisce Eireann owned pumping station and rising main are required for the proposed development.*

*Therefore, we are satisfied that the proposed development can be served by Uisce Eireann with its existing capacity and the minor upgrades to be carried out by Uisce Eireann will not impact the serving of the development.*



This is completely incorrect and misleading. As can be clearly seen from the details from the CoF above in which UE concedes that hydraulic issues exist downstream. There is no basis to state that *"No upgrades to any existing Uisce Eireann owned pumping station and rising main are required for the proposed development"*. The applicant provides no references or back-up documentation in support of these false claims.

## 5. Stormwater:

Notwithstanding the proposal to connect the wastewater arising from this development to a network and wwtp which are directly connected to protected sites, the proposal also requires permission for a stormwater discharge to surface waters which also has direct connectivity with protected sites and implications for WFD compliance. The decision under appeal permitted the discharge of stormwater but there was no proper assessment of the in-combination or cumulative effects of the stormwater discharge with the discharges from the wastewater network or the wwtp taking into consideration the EPA data on the network and wwtp. There was no information in this regard in the NIS submitted and therefore there are lacunae and the PA did not have the required information to properly satisfy itself that this proposal will not have adverse impacts on the related qualifying interests. I pointed out these facts in my submissions, particularly my observations on the FI submitted. (Appendix hereto)

The RFI response with respect to stormwater is short and sweet.

Item \_4(e) - Noting the potential for in-stream works identified in EIAR mitigation, please clarify this requirement and update the NIS, EIAR and CEMP, accordingly, providing assessment for such works if/as required.

*The response to the RFI indicates that No in-stream works are proposed. The only works proximate to the Claureen River consist of a proposed bio-swale extending east-west toward the watercourse (Figure 9). All construction related to the bio-swale adjacent to the river will be undertaken during dry weather under ecological supervision. No cement or structural works will occur within or immediately adjacent to the Claureen River.*

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There is no assessment by the Applicant but particularly by the PA in its AA of in-combination or cumulative impacts on water quality downstream from the stormwater discharge and the discharges resulting from the wastewater arising.

## 6. C&D Waste:

Tobin's **Construction Waste Management Plan Stage 2** does not give account of volumes or rock-breaking, crushing, screening or C&D for removal off site.

Tobin's **Preliminary Construction Environmental Management Plan Stage 2** does not specify volumes of C&D arising or where there is capacity for disposal of same. There is an ongoing issue in County Clare with ongoing unauthorised disposal of C&D waste because of a significant lack of registered or permitted sites for disposal. The waste register is approximately 18 months out of date due to the procedure for accounting of deposited fill in designated sites.

### 6. ENVIRONMENTAL OBJECTIVES AND TARGETS

*The key environmental objectives of the construction phase of the proposed development are:*

- To ensure there is no deterioration in soil or water quality at the site as a result of construction activities; and*
- To ensure there is minimal impact on local residents and road users as a result of construction activities.*

*In terms of waste management, a target of 80% recycling and recovery of C&D waste has been set and waste contractors will be evaluated on the basis of being able to achieve this target and be able to provide evidence of same.*

The internal reports do not make any reference to the volumes of C&D waste arising or whether or not there is capacity in registered or permitted waste facilities in the County or elsewhere. Under the Waste Act all waste arising should be managed as closely as possible to where it is created. In the case of C&D waste this is of particular consideration due to the volumes involved and the cost in terms of carbon and emissions for removal over large distances.

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There was no evidence before the PA and there is none before An Coimisiún Pleanála that there is licensed capacity or otherwise for C&D waste arising in this development. This is an EIA/AA issue because unauthorised disposal impacts on the environment and depending on where unauthorised disposal occurs there can be significant impacts on Natura 2000 sites. Therefore a proper s.177V determination cannot be made with complete detailed information being provided in advance of a planning decision.

#### **EIAR Chapter 8 – Material Assets: Waste**

It is noted that site investigations were undertaken on the site between July and September 2021, as part of the previous SHD scheme proposals.

This chapter indicates that some difficulties were encountered, noting that until final materials and detailed construction methodologies are confirmed, it is difficult to predict with a high level of accuracy, the construction waste that will be generated from the proposed works as the exact materials and quantities may be subject to some degree of change and variation during the construction process. It is noted that spot samples were taken across the site, and it may be possible to encounter contaminated materials on the with naturally occurring variations in minerals and chemicals that necessitates sending it to a different suitably licensed facility.

A Resource Waste Management Plan (RWMP) and an Operational Waste Management Plan (OWMP) indicate the proposals to manage any waste from the construction and operation of the development. It is estimated that approximately 15,000m<sup>3</sup> of material will be excavated on site, with an estimated 13,500m<sup>3</sup> retained and reused on site for landscaping and fill. All remaining material, including surplus of building materials, such as timber off-cuts, broken concrete blocks, cladding, plastics, metals and tiles generated along with excess concrete will be disposed of off-site appropriately. The Operational Waste Management Plan indicates how the waste from the operational development has been calculated and shall be managed and disposed of.

There are a number of potential significant effects of the construction phase of the development outlined, which are indicated as both long and short term and significant and negative, which include use of non-permitted waste contractors, wastes not disposed of through licensed facilities or recycled and management of topsoil excavated on site.



There are also a number of potential significant effects of the operational phase of the development outlined, which are indicated as both long and short term and significant and negative, which include improper/ lack of waste management and appropriate recycling, networks of waste collection, treatment, recovery and disposal infrastructure put in place, waste material which is not managed and stored correctly is likely to lead to litter or pollution issues and presence of vermin and use of non-permitted waste contractors or unauthorised facilities which could give rise to inappropriate management of waste and result in negative environmental impacts or pollution. Mitigation measures are required to ensure such effects are not created.

Cumulatively, it is stated that if waste material are not managed and stored correctly and in the absence of mitigation, it is possible the effect on the local and regional environment could be long-term, significant and negative.

Various Mitigation Measures are proposed for the construction and operational phases of the development, which are required to be adhered to in order to mitigate against any potential significant effects. Such include; appointment of specific contractors and updating of RWMP and OWMP, which are to be implemented throughout construction and operation of the site, building materials chosen to 'design out waste', on-site segregation of waste materials for appropriate disposal, re-use of materials on site where possible, appointing of appropriate staff for management of waste and training for all staff on same, use of licensed and permitted contractors for all waste disposal, and use of clearly identified bins for disposal of operational waste to ensure no cross-contamination.

Provided mitigation measures are followed, the construction phase waste management will ensure that the predicted effect on the environment will be short-term, imperceptible and neutral, and provided the mitigation measures are implemented and a high rate of reuse, recycling and recovery is achieved, the predicted impact of the operational phase on the environment will be long-term, imperceptible and neutral.

The management of waste for both the construction and operational phases are also considered cumulatively with other developments to be imperceptible and neutral and in the event of the development no longer being Clare Planning Authority - Inspection Purposes Only!

occupied/operational the development may be decommissioned and appropriate plans will be formulated to decommission the site to ensure no waste nuisance occurs.

Significant interactions with other chapters have been outlined and are considered to be imperceptible and neutral in conjunction with adherence to mitigation measures and the outlined management plans.



## Executive Engineer Comments on FI submitted.

### Waste

*All waste generated and transported off site during the construction phase shall be managed in accordance with the relevant provisions of the Waste Management Act 1996 and associated amendments and regulations thereof.*

## 7. Rock-breaking/Crushing/Screening:

The PA did not address the issues I raised in section 4 of my FI observation on the applicants references to crushing and screening in 7.1.2 of the updated CEMP. Furthermore it did not insert a condition precluding crushing & screening in circumstances where this was not sought in the development description.

### 2.12 Chapter 12 EIAR Addendum

*There is potential for the Construction Noise Threshold value to be exceeded due to rock breaking **and rock crushing activities** during Phases 1 and 2. During Phase 1, exceedences are predicted at all NSLs (1, 2, 3, and 4). In Phase 2, exceedences are expected only at NSLs 2 and 3. These works will be temporary in duration and are scheduled to occur during periods considered least disruptive to surrounding stakeholders — such as mid-morning to mid-afternoon on weekdays, when the majority of nearby residents are likely to be at work or school. During Phase 3, predicted noise levels are not expected to exceed the threshold at any NSL, and therefore no significant noise effects are anticipated for that phase.*

*During rock breaking **and crushing activities**, the residual noise effect is predicted to be negative, significant to very significant, and temporary at distances up to 60m from the works, assuming all plant items operate simultaneously adjacent to the closest site boundary. This applies to all NSLs during Phase 1, and to NSL 3 during Phase 2, where exceedences of the Construction Noise Threshold (CNT) are predicted.*

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

In the second section, the author outlines the various methods used to collect and analyze the data. This includes both manual and automated processes. The goal is to ensure that the data is both reliable and representative of the overall population being studied.

The third section provides a detailed breakdown of the results. It shows that there is a significant correlation between the variables being measured. This finding is supported by statistical analysis and is consistent with previous research in the field.

Finally, the document concludes with a series of recommendations for future research. It suggests that further studies should be conducted to explore the underlying causes of the observed trends. This will help to develop more effective strategies for addressing the issues at hand.

The data collected over the past six months has shown a steady increase in the number of transactions. This is likely due to a combination of factors, including improved marketing efforts and a growing customer base.

It is important to note that while the overall volume has increased, the quality of the transactions has also improved. This is evident from the higher average value per transaction and the lower rate of returns.

These findings suggest that the current business model is sustainable and profitable. However, it is essential to continue to monitor the market and adapt to changing conditions. This will ensure long-term success and growth.

The following table provides a summary of the key metrics discussed in the report. It shows that the company is well-positioned to meet its goals for the coming year.

In conclusion, the report highlights the company's strong performance and the potential for future growth. It provides a clear path forward and offers valuable insights into the current market landscape.

## 2.18 Chapter 18

### *Noise and Vibration*

*There is potential for the Construction Noise Threshold value to be exceeded due to rock breaking **and rock crushing activities** during Phases 1 and 2.*

#### *12.8.2.1 Rock Breaking and Crushing Works*

*For construction activities associated with rock breaking and rock crushing, excavators with rock breaking attachments, diggers, and HGVs are likely to be utilised. A total construction noise level of 92 dB LAeq,T at 10m has been used for the purposes of indicative calculations, based on typical plant noise data from BS 5228-1:2009+A1:2014. This represents a worst-case scenario for simultaneous operation within one work area.*

#### *12.12 Rock breaking and crushing*

*Worst-case predictions presented in Table 12-12 indicate that construction noise levels associated with rock breaking and crushing are likely to exceed the adopted threshold of 65 dB LAeq,T at all NSLs during Phase 1. These exceedances are expected to result in a negative, significant to very significant, and temporary effect at NSLs 1, 2, 3, and 4.*

*During Phase 2, exceedances of the threshold are predicted at NSLs 2 and 3 only, resulting in a negative, significant to very significant, and temporary effect at these locations. At the remaining NSLs, 1 and 4, the noise levels are predicted to remain below the adopted threshold, resulting in a negative, slight to moderate, and temporary effect.*

*Phase 3 rock breaking and crushing construction noise levels are predicted to remain below the adopted threshold, and as such, no significant noise effects are anticipated at any NSLs during this phase resulting in a negative, slight to moderate, and temporary effect.*



#### 12.9.1.1 Construction Stage

*There is potential for the Construction Noise Threshold value to be exceeded due to rock breaking and rock crushing activities during Phases 1 and 2. During Phase 1, exceedances are predicted at all NSLs (1, 2, 3, and 4). In Phase 2, exceedances are expected only at NSLs 2 and 3. These works will be temporary in duration and are scheduled to occur during periods considered least disruptive to surrounding stakeholders — such as mid-morning to mid-afternoon on weekdays, when the majority of nearby residents are likely to be at work or school. During Phase 3, predicted noise levels are not expected to exceed the threshold at any NSL, and therefore no significant noise effects are anticipated for that phase.*

## 8. Planner's Reports:

### 8.1. Planner 1 – Pre RFI

I note that with reference to the pre-planning stage discussions between the Applicant and the PA the Planner refers to commentary about taking in charge with respect to wastewater

With reference to the Environmental Assessment Officer the Planner extracts references to the NIS whereby the EAO in respect of Bat assessment quotes

“definitive findings In line with Kelly v An Bord Pleanála [2014] IEHC 400 Finlay Geoghegan J. which identified key legal requirements in respect of AA:

*“Must contain complete, precise, and definitive findings and conclusions and may not have lacunae or gaps. The requirement for precise and definitive findings and conclusions appears to require analysis, evaluation, and decisions. Further, the reference to findings and conclusions in a scientific context requires both findings following analysis and conclusions following an evaluation each in the light of the best scientific knowledge in the field”.*

It also concluded that a decision can only be reached where no reasonable scientific doubt remains as to the absence of the identified potential effects.

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I can find no fault with those sentiments provided they are applied to all relevant aspects of the proposed development including potential impacts on water quality and associated qualifying interests.

**Under the Wastewater Treatment heading the EAO states;**

*Having reviewed the Natura Impact Statement in support of Appropriate Assessment I note the assessment around the proposed discharge in terms of Wastewater does not identify which plant the new development will discharge to. The NIS contains no assessment or consideration of likely impacts on the associated European Sites located downstream with connectivity via the WWTP. There is no analysis as to the remaining treatment capacity at the plant in terms of P.E taking into consideration the design capacity of the plant and the hydraulic loading. The Natura Impact Statement which accompanies the application does not address the status of the receiving environment associated with the Wastewater Treatment Plant nor does it provide any assessment as to the potential for cumulative or in-combination effects in a comprehensive manner with only 4 recent applications listed as having potential for in-combination effects. The conclusion as reached in the assessment is done so without the benefit of any scientific analysis or information to justify the conclusion reached. In addition, I note that Uisce Éireann in their submission have indicated the following:*

A Stage 2 Preliminary Business Case commenced in 2021 to address the above issues to provide capacity for future growth and ensure compliance with the WWDA. Timeframe for completion of the development as well as phasing are to be provided at connection application stage. In addition, an approximately 300m network extension is required from the proposed development to the existing UE foul sewer, including a pump station & rising main (as per developer proposal). Connection is to be made to gravity sewer (minimum 300mm). 24-hr storage and real time controls to limit pumping as hydraulic issues exist downstream will also be required Uisce Éireann acknowledges the applicant has submitted finalised designs and has been issued of a statement of design acceptance (SODA) on the 18th of June 2025. These designs outline the necessary infrastructure upgrades described in the COF to facilitate connections from the development to Uisce Éireann water and wastewater networks, to be undertaken by the applicant as self-lay works



*The applicant should be requested to provide an updated NIS as part of a Further Information Request which addresses the points raised here and utilises the most recent Annual Environmental Reports (2023/2024) for the associated plant to inform the Appropriate Assessment. It is not possible with the information as presented for Clare County Council (as the Competent Authority) to conclude a finding in relation to the risk of significant or adverse effects based on the information as presented in the application at present.*

#### **CEMP**

*The Mitigation in Section 7.4 Surface Water Management Plan indicates the potential for in-stream machine works on the Claureen River. It does not appear that the potential for these works and what they entail have been addressed or assessed in the NIS. The applicant should be required to clarify this requirement and update the CEMP and NIS as appropriate.*

Section 9.0 refers to Waste and 9.1 states;

*All waste generated and transported off site during the construction phase shall be managed in accordance with the relevant provisions of the Waste Management Act 1996 and associated amendments and regulations thereof.*

In relation to submissions from prescribed bodies it includes the UE (COF) for the proposed development on the 9<sup>th</sup> of December 2024 (reference: CDS21003780).

The Planner then gives a good account of the 3<sup>rd</sup> party submissions made.

It was determined that a RFI was required.

#### **In the Planner's stage 1 assessment:**

**PUBLIC HEALTH**

**Potable Water**

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I note the submission received from Uisce Éireann which states that *“this statement confirms the feasibility to connect to Uisce Éireann’s water services, with sufficient network capacity to facilitate this development”*.

I am satisfied that the proposed development can connect to the public water mains.

**Wastewater:**

*A Confirmation of Feasibility (CoF) and Statement of Design Acceptance (SoDA) were included with this application. It is noted that Uisce Éireann stated in this CoF the wastewater connection is feasible subject to minor upgrades at the WWTP, advising “ A Stage 2 Preliminary Business Case commenced in 2021 to address the above issues to provide capacity for future growth and ensure compliance with the WWDA. Timeframe for completion of the development as well as phasing to be provided at connection application stage. A 300m Approx. network extension is required from the proposed development to the existing UE foul sewer by way of pumped solution (WWPS) & rising main (as per developer proposal). Connection to be made to gravity sewer (minimum 300mm). 24-hr storage and real time controls to limit pumping as hydraulic issues exist downstream will be required. The Developer shall provide design details of the pump design flow rates, emergency storage provisions etc. for agreement with UE Asset Planning team. The location of real time control shall be agreed with the UE Asset Planning team and UE Operations at connection application stage.”*

*It is noted that the requirements set out in Uisce Éireann’s CoF have been proposed in the application and a SoDA from Uisce Éireann following the receipt of the CoF have also been provided. It is stated in their observation that “Uisce Éireann acknowledges the applicant has submitted finalised designs and has been issued of a statement of design acceptance (SODA) on the 18th of June 2025. These designs outline the necessary infrastructure upgrades described in the COF to facilitate connections from the development to Uisce Éireann water and wastewater networks, to be undertaken by the applicant as self-lay works.”*

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

In the second section, the author outlines the various methods used to collect and analyze the data. This includes both primary and secondary data collection techniques. The primary data was gathered through direct observation and interviews with key stakeholders. Secondary data was obtained from existing reports and databases.

The third section details the statistical analysis performed on the collected data. Various tests were conducted to determine the significance of the findings. The results indicate a strong correlation between the variables being studied, suggesting that the observed trends are not merely coincidental.

Finally, the document concludes with a series of recommendations based on the research findings. These suggestions are aimed at improving the efficiency of the current processes and addressing the identified areas of concern. It is hoped that these measures will lead to a more streamlined and effective operation.



*The Planning Authority are satisfied with the wastewater discharge proposals in this regard, subject to design and upgrade works being carried out in accordance with Uisce Eireann's submission.*

#### **BIODIVERSITY**

Notwithstanding the conclusion arrived at in the previous section the Planner decides in this section that;

*It is also noted that the assessment within the NIS in respect of the proposed discharge in terms of Wastewater does not identify which plant the new development will discharge to, nor does it contain any assessment or consideration of likely impacts on the associated European Sites located downstream with connectivity via the WWTP. No analysis of the remaining treatment capacity at the WWTP in terms of P.E taking into consideration the design capacity of the plant and the hydraulic loading, the status of the receiving environment associated with the Wastewater Treatment Plant, or any assessment as to the potential for cumulative or in-combination effects in a comprehensive manner, with only 4 recent applications listed as having potential for in-combination effects. It is, therefore, considered that the conclusion reached did not have the benefit of any scientific analysis or information to justify the conclusion reached. It is also noted that Uisce Eireann stated in their submission that the timeframe for the completion of the development along with phasing of the development are to be provided to Uisce Eireann at connection application stage, with a 300m network extension required from the proposed development to the existing foul sewer, which includes a pumping station, rising main, a gravity sewer (min dia. 300mm) and 24-hr storage with real time controls to limit pumping, noting hydraulic issues exist downstream. Such works have not been assessed within the NIS and the applicant shall be requested to provide an updated NIS which addresses the points raised above and in the relevant submissions, and utilises the most recent Annual Environmental Reports (2023/2024) for the associated plant to inform the Appropriate Assessment by way of Further Information.*

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the success of any business and for the protection of the interests of all parties involved. The document then goes on to describe the various methods and techniques used to collect and analyze data, highlighting the need for consistency and reliability in the information gathered.

In the second part, the author details the specific steps involved in the data collection process, from the initial planning and design of the study to the actual execution of the data gathering activities. This section provides a clear and concise overview of the entire process, ensuring that all participants are well-informed and prepared to follow the established protocols.

The third part of the document focuses on the analysis and interpretation of the collected data. It discusses the various statistical methods and techniques used to identify patterns and trends in the data, as well as the importance of drawing meaningful conclusions from the results. The author also addresses the potential limitations and challenges associated with data analysis, providing practical advice on how to overcome these obstacles.

Finally, the document concludes with a summary of the key findings and a discussion of the implications of the research. It emphasizes the need for ongoing monitoring and evaluation to ensure that the data remains relevant and useful over time. The author also offers suggestions for further research and areas for future exploration, highlighting the importance of continuous learning and improvement in the field.

*I, therefore, consider that it is not possible with the information as presented, for Clare County Council (as the Competent Authority) to conclude a finding in relation to the risk of significant or adverse effects based on the information as presented in the application at present.*

*In addition to the above relating to the NIS, the Construction and Environmental Management Plan (CEMP) has also been considered in respect of the impact of the construction phase of the development on biodiversity and European Sites. It is noted that the Mitigation in Section 7.4 Surface Water Management Plan indicates the potential for in-stream machine works on the Claureen River, however, it does not appear that the potential for these works and what they entail have been addressed or assessed in the NIS. The applicant shall be required to clarify this requirement and update the CEMP and NIS as appropriate by way of Further Information.*

The Planner carried out an AA screening and made a recommendation that a RFI be sought and this was implemented.

## **8.2.Planner 2 – Post FI**

The Planner describes the details of the receipt of the FI and proceeds to deal with the responses to the different topics in the order requested.

RFI 4(d) relates to wastewater. The Planner gives an account of the FI received and the internal reports this one being from the Environmental Assessment Officer of Clare County Council.

Item 4(d) - The NIS shall be revised to assess the remaining treatment capacity of the WWTP in terms of P.E taking into consideration the design capacity of the plant and the hydraulic loading, the status of the receiving environment associated with the Wastewater Treatment Plant, or any assessment as to the potential for cumulative or in-combination effects in a comprehensive manner, along with the upgrade works required to facilitate the development. The updated NIS should address the points raised by submissions and should utilise the most recent Annual Environmental Reports (2023/2024) for the associated plant to inform the Appropriate Assessment.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the success of any business and for the protection of the interests of all parties involved. The text outlines the various methods and systems that can be used to ensure the accuracy and reliability of financial data.

It further explains that clear and concise communication is a key factor in the effective management of a business. This involves not only the exchange of information but also the ability to listen and understand the needs and concerns of others. The document provides practical advice on how to structure meetings, write reports, and handle difficult conversations.

The second part of the document focuses on the role of leadership in an organization. It defines leadership as the ability to inspire and motivate others to achieve a common goal. The text discusses the qualities and skills that are necessary for effective leadership, such as integrity, communication, and decision-making. It also provides examples of successful leaders and their actions.

The final part of the document addresses the issue of organizational culture. It explains that culture is the set of shared values, beliefs, and behaviors that define an organization. The text discusses how culture can be created and maintained, and how it can impact the performance and success of an organization. It provides strategies for fostering a positive and productive organizational culture.



The document concludes by reiterating the importance of these concepts in the context of business management. It encourages readers to apply the principles and strategies discussed throughout the text to their own organizations. The text is written in a clear and professional style, suitable for a business audience.

In addition to the main text, the document includes several appendices and references. These provide further information and resources for readers who are interested in learning more about the topics discussed. The appendices include checklists, templates, and additional examples. The references list the sources of the information used in the document.

The document is a comprehensive and practical guide for anyone involved in business management. It covers a wide range of topics and provides actionable advice and strategies. It is a valuable resource for anyone looking to improve their business performance and achieve their goals.



*The closest European site to the proposed development is 0.9 km away (Lower River Shannon SAC). The proposed development site is greenfield, located 120m north the nearest watercourse (Claureen River, also referred to as the Inch River- a tributary of River Fergus). It is proposed to collect, treat, and retain surface water drainage within the subject site via the use of SuDs features, prior to discharge to the Claureen River.*

*This river outfalls to the River Fergus C. 900m north of the proposed development site and so it is considered that there is an indirect hydrological connection between the subject site and the Lower River Shannon SAC. There is also an indirect hydrological connection to the River Shannon and River Fergus Estuaries SPA which lies further downstream the River Fergus. Foul water will be discharged to the existing foul sewer located on Cahercalla Road. This network ultimately outfalls to Ennis North WwTP for treatment under license. As outlined in the 2023 Annual Environmental Report for Ennis North (most recent publication), there is sufficient capacity until at least 2029" with 6841 organic capacities (Person Equivalent) remaining. Additionally, as outlined in the Civil Works Design Report by Tobin's\_a Pre-Connection enquiry for the wastewater discharge from the proposed residential development was submitted to Uisce Eireann, and a Confirmation of Feasibility (CoF) statement (December 2024) was received confirming a feasible connection to the existing Uisce Eireann network. Uisce Eireann has confirmed in their latest capacity register (September 2025) that there is wastewater treatment capacity to accept the current proposed development. Therefore, no significant effects on Natura 2000 sites are foreseen from foul water drainage.*

It is incomprehensible that such a glib assessment of an important environmental issue is made by the body tasked with protecting such environments. This should be compared with the sentiments on page 23 above. The 2023 AER is certainly is not the only available information for this plant. There is copious other data on the EPA portal including Site Visit Reports (SVRs). This plant has consistently failed its ELV for Ammonia (N) for each of the last 4 years. This is in circumstances where the plant discharges to an already impacted river body consistently designated as moderate and declared at risk of not achieving is WFD objectives.

The loading on this plant is not provided as prescribed in the Urban Wastewater Treatment Directive which defines 1 p.e. (population equivalent) as the organic biodegradable load having a five-day biochemical oxygen demand (BOD<sub>5</sub>) of 60 g of oxygen per day. Article 4 (4) defines loading on a plant as the load expressed in p.e. shall be calculated on the basis of the maximum average weekly load entering the treatment plant during the year, excluding unusual situations such as those due to heavy rain.



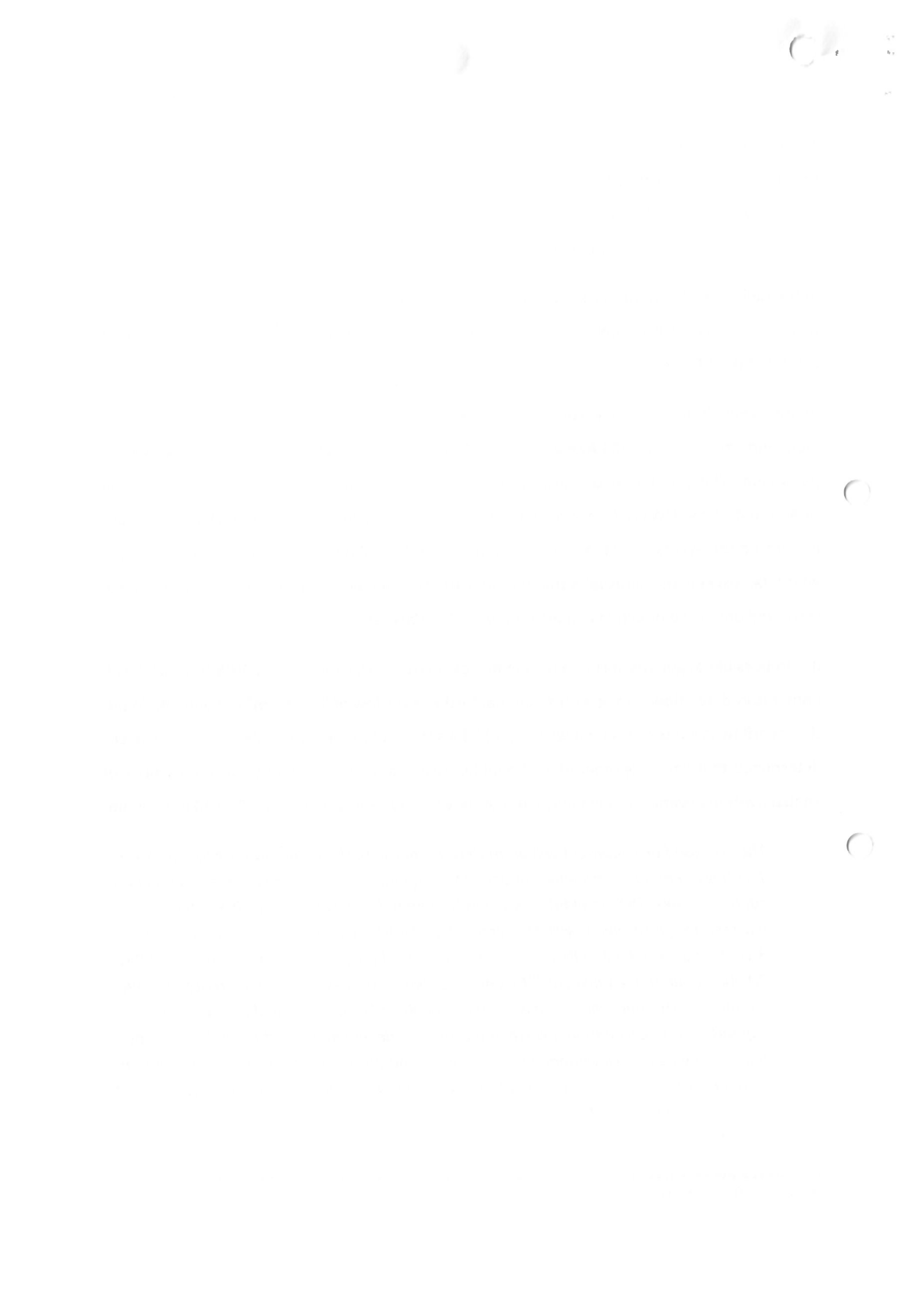
Therefore the loading on the plant requires the maximum average weekly load, excluding unusual situations such as those due to heavy rain, in  $\text{m}^3/\text{d}$  and the influent  $\text{BOD}_5$  in  $\text{mg}/\text{l}$  for those days. For those figures the organic loading in  $\text{mg BOD}_5$  can be determined and from that figure the PE loading on the plant is determined. The AER does not provide those figures.

In the AER's the PE is quoted with absolutely no supporting evidence. It does not even attempt to give the mass of  $\text{BOD}_5$  behind these figures. How is UE calculating the PE figures in Tables 2.1.4.2 of the AER's?

In any event there are 7 Emergency Overflows and Stormwater Overflows in the Ennis North Plant and network. The **2023 AER** at table 4.1.1 gives an annual discharge at SW2 of **741,496 $\text{m}^3$**  per annum. This contains an unknown volume of untreated wastewater and is in contravention of Article 4 of the UWWT Directive. None of the other six overflows in the agglomeration are monitored for events or volumes discharged. Appendix F shows dates for this SW2 overflow which far exceed the unusual situations or extreme rainfall events to which overflows are restricted under the directive and established in ECJ Case law.

It is impossible to get any sort of a reasonable estimate for the loading on a WWTP which has 6 unmonitored overflows along with an annual further overflow of **741,496 $\text{m}^3$**  per annum. To put that overflow in context it is equivalent to 104 days Dry Weather Flow @ a PE of 31,500. The ECJ determined that each agglomeration should be assessed on its own merits for the number of annual overflow events. It is established that they should be in a range from 5 to 20 per annum.

*The proposed development will ultimately discharge to the Clonroadmore Wastewater Treatment Plant in Ennis which underwent a significant upgrade to address its previous capacity issues. The old plant was severely overloaded, treating only 30% of the wastewater \_it received, with the remaining 70% being discharged untreated into the River Fergus. The €5.2 million investment increased the plant's capacity from 17,000 to 30,500 population equivalent (PE), ensuring that all wastewater is now treated to EPA standards'. This upgrade not only protects the River Fergus from pollution but also supports future population growth and economic development in the area' which has fed into the County Development Plan process and the zoning of this site for residential development. The project included the installation of preliminary treatment facilities at Tulla Road and Francis Street Pumping Stations to improve the quality of wastewater discharged'.*



This is an abomination in respect of the facts about this plant and the associated network. The “upgrade” in 2015 was *de minimis* and any assessment of AER and SVR’s. There has never been a review of the licence for this plant which remains for a PE of 17,000. In January 2024 the EPA required UE to initiate a review of this licence. To date it has failed to even lodge an application for the review. What are they afraid of? A very simple solution is for An Coimisiún Pleanála to seek the advice of the EPA regarding the capacity of this wwtp and network. The truth lies somewhere between what I am submitting and the account above.

*At the Tulla Road Pumping Station, significant upgrades were made as part of the overall improvement project for the Clonroadmore Wastewater Treatment Plant. These works included the installation of preliminary treatment facilities designed to enhance the quality of wastewater before it reaches the main treatment plant’. This involved upgrading the infrastructure to handle increased volumes and improve the efficiency of the wastewater treatment process, ensuring that the discharged water meets environmental standards’.*

The Tulla Road PS has absolutely nothing to do with the subject part of the network. Any assessment of events on the EPA portal will quickly demonstrate the dysfunction in it and the rest of the network.

*By enhancing the preliminary treatment, the Francis Street Pumping Station can better manage increased wastewater volumes, ensuring that the water entering the main treatment plant is of higher quality. This not only helps in meeting environmental standards but also reduces the load on the main treatment facilities, leading to more effective and sustainable wastewater management.*

This is a disgraceful comment as part of an environmental assessment. There is a long history to screens at the Francis St. PS Screens provide no treatment whatsoever. Screens primarily protect the pumps and have a secondary role in screening gross matter in SWO discharges. The claim that “*enhancing the preliminary treatment, the Francis Street Pumping Station can better manage increased wastewater volumes, ensuring that the water entering the main treatment plant is of higher quality*” is total rubbish. The screens may allow the pumps work without blocking but that is the extent of their input.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

In the second section, the author outlines the various methods used to collect and analyze the data. This includes both manual data entry and the use of specialized software tools. The goal is to ensure that the data is both accurate and easy to interpret.

The third part of the document provides a detailed breakdown of the results. It shows that there is a clear trend in the data, which is consistent with the initial hypothesis. The author also discusses the limitations of the study and suggests areas for future research.

Finally, the document concludes with a summary of the key findings. It reiterates that the data is reliable and that the conclusions are well-supported. The author expresses confidence in the results and hopes that they will be helpful to others in the field.

*Since the upgrade of the Clonroadmore Wastewater Treatment Plant, there has been a marked improvement in the water quality of the River Fergus. Environmental monitoring has shown a significant reduction in pollutants, thanks to the enhanced treatment processes now in place. The plant's increased capacity ensures that all wastewater is treated to meet EPA standards before being discharged, which has greatly reduced the levels of harmful substances entering the river. Specific improvements have been seen in water quality include lower levels of biochemical oxygen demand (BOD) and suspended solids, both of which are key indicators of water pollution. The reduction in these pollutants has led to a healthier aquatic ecosystem, benefiting fish and other wildlife in the River Fergus. Additionally, the improved odour control systems at the pumping stations have minimized unpleasant smells, enhancing the quality of life for nearby residents.*

This is factually untrue and any assessment of AERs and EPA Water Maps will confirm this. The river is a modified waterbody, consistently at Moderate Status, and consistently at risk of not achieving WFD objectives. Wastewater has been identified as a pressure on both the River and Groundwater. The groundwater status in the agglomeration is poor. There was no in-combination or cumulative assessments of other discharges into the SAC from Doora Dump of Clareabbey wwtp or the Roche site further downstream.

*I note the analysis as undertaken in the NIS with regards to the capacity of the Plant and in particular Table 3 which looks at the remaining treatment capacity of the WWTP.*

*The development will make up <1% of the designed hydraulic design capacity.*

*\* Organic headroom:  $31,500 - 24,659 = 6,847$  P.E. (approx. 21.7 % unused).*

*\* The development will make up 3.46% of the hydraulic headroom remaining.*

*The data above demonstrates that Ennis North WWTP retains substantial residual hydraulic and organic capacity. In terms of the cumulative and in-combination effects the total volume for developments assessed for potential in combination effects within Ennis North Wastewater Plant is 167m<sup>3</sup> /day. The proposed development 147 m<sup>3</sup> /day. This gives a combined figure of 314 m<sup>3</sup> /day. This makes up approximately 7% of the remaining hydraulic headroom. As a result, the development is unlikely to give rise to potential in -combination effects in relation to the Ennis North Wastewater Treatment Plant.*

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

Furthermore, it is noted that regular audits are essential to identify any discrepancies or errors in the accounting process. By conducting these audits frequently, potential issues can be resolved before they become significant problems.

The document also highlights the need for clear communication between all parties involved in the financial process. This includes providing timely updates to stakeholders and ensuring that everyone has access to the necessary information.

In conclusion, the document stresses that a strong foundation of accurate record-keeping and regular audits is crucial for the success of any business. It encourages the implementation of robust financial controls to minimize risk and maximize efficiency.



*In terms of impacts on the achievement of Water Framework Directive status I have reviewed the catchment summary for the Shannon Estuary North catchment (27) which is available from the EPA via EPA Catchments/EPA Maps together with the sub-catchment reports for the Fergus catchment, and particularly those rivers feeding into the main channel of the Fergus. This shows the complete picture in terms of risks and pressures on this catchment. Fergus\_060 is the Claureen, Fergus\_040 is the Fergus north of Ballyallia and Fergus\_070 is the main channel which is indicating "Moderate" status. The data which is available through Data - Catchments.ie - Catchments.ie indicates that all upper catchments feeding into the Fergus are identified as either "at risk" of not achieving good status or under pressure with macroinvertebrates being the key indicator of impacts from Agriculture, forestry and Urban pressure all leading to siltation in the channel. Therefore, any downstream issues which are being evidenced in the lower Fergus in terms of moderate WFD status are being influenced by the upper catchment and not the WWTP itself.*

The writer has absolutely no information to support this claim. The facts are that a public body, including the writer personally, commits an offence if they facilitate adding pollution to an already impacted Natura 2000 site. The writer should take some time to read articles 13, 14 and 15 of the Surface Water Regulations 2009 listed above.

*Further, the 2023 Annual Environmental Reports (AERs) for the Ennis North Wastewater Treatment Plant states that the discharge from the wastewater treatment plant does not have an observable negative impact on the Water Framework Directive status. Therefore, the proposed development at Ballymacula (given the WWTP has both hydraulic and organic headroom) is extremely unlikely to affect water quality within the receiving waters of the Fergus to an extent that leads to adverse effects upon the QIs of the Lower River Shannon SAC or the SCIs of the River Shannon and Fergus Estuaries SPA.*

This paragraph does not warrant a comment other than there are none so blind as those who will not see.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data. The second part of the document provides a detailed breakdown of the financial data for the quarter. It includes a table showing the revenue generated from various sources, as well as the associated costs and expenses. The final part of the document summarizes the overall financial performance and provides recommendations for future actions.

The following table shows the revenue generated from various sources during the quarter. The revenue is broken down into three main categories: sales, services, and other income. The total revenue for the quarter is \$1,200,000. The cost of goods sold is \$400,000, resulting in a gross profit of \$800,000. Operating expenses are \$300,000, leaving an operating profit of \$500,000. After accounting for interest and taxes, the net profit for the quarter is \$300,000.

| Category                | Revenue            | Cost             | Profit           |
|-------------------------|--------------------|------------------|------------------|
| Sales                   | \$800,000          | \$200,000        | \$600,000        |
| Services                | \$300,000          | \$100,000        | \$200,000        |
| Other Income            | \$100,000          | \$0              | \$100,000        |
| <b>Total</b>            | <b>\$1,200,000</b> | <b>\$400,000</b> | <b>\$800,000</b> |
| Operating Expenses      |                    | \$300,000        |                  |
| <b>Operating Profit</b> |                    |                  | <b>\$500,000</b> |
| Interest                |                    | \$100,000        |                  |
| Taxes                   |                    | \$100,000        |                  |
| <b>Net Profit</b>       |                    |                  | <b>\$300,000</b> |

The net profit for the quarter is \$300,000, which represents a 25% increase over the previous quarter. This is primarily due to an increase in sales revenue and a decrease in operating expenses. The company's financial performance is strong, and it is well-positioned to continue its growth in the coming year. The management team is confident in the company's ability to meet its financial goals and maintain its competitive edge in the market.

## **Stormwater**

The applicant-developer shall install the storm water network, hydrocarbon interceptors, soak ways, infiltration basin, bioswales, permeable paving and all other proposed SUDS measures per the designer's requirements and the manufacturer's instructions. The applicant/developer shall employ a suitably qualified Engineer to certify that the storm water network, hydrocarbon interceptors, soakaways, infiltration basin, bioswales, permeable paving and all other proposed SUDS measures has been installed as per the designer's requirements and the manufacturer's instructions. Following the completion of the development the applicant shall submit a record of same to the Planning Authority.

The applicant/developer's design team shall set out the maintenance requirements and schedules for the storm water network, hydrocarbon interceptors, soakaways, infiltration basin, bioswales, permeable paving and all other proposed SUDS measures in the development and the operator of the development shall undertake to carry out the maintenance as per the schedule. The records of the maintenance requirements and schedule shall be kept at the proposed development for inspection by the Planning Authority.

Summary of 3<sup>rd</sup> party observations are summarised and it is stated that all have been considered in full in the assessment of the application.

The Planner then proceeds through the different FI topics in her assessment.

## **Waste water treatment proposals and Natura Impact Statement**

As per point 4(d) of the requests for further information as was sent to the applicants, the Planning Authority requested that the NIS for the proposed development be revised to assess the remaining treatment capacity of the WWTP in terms of P.E taking into consideration the design capacity of the plant and the hydraulic loading, the status of the receiving environment associated with the Wastewater Treatment Plant, or any assessment as to the potential for cumulative or in-combination effects in a comprehensive manner.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy auditing of the accounts.

In the second section, the author details the various methods used to collect and analyze data. This includes both primary and secondary research techniques. The primary research involved direct observation and interviews with key stakeholders, while secondary research was conducted through a review of existing literature and industry reports.

The third section presents the findings of the study. It highlights several key trends and patterns observed in the data. For example, there was a significant increase in the use of digital services over the period studied. Additionally, the study found that customer satisfaction levels were generally high, but there were some areas where improvement was needed, particularly in the area of customer service response times.

Finally, the document concludes with a series of recommendations for future research and business strategy. It suggests that further investigation into the long-term effects of digitalization would be beneficial. Additionally, it recommends that businesses focus on enhancing their customer service processes to maintain and improve their competitive advantage.

The applicants were also advised that updated NIS should address the points raised by submissions and should use the most recent Annual Environmental Reports (2023/2024) for the associated plant to inform the Appropriate Assessment.

The agents for the applicants have submitted a detailed response in this regard and have updated the NIS as requested.

*The applicant's response as per the updated NIS can be summarised as follows:*

*-The NIS for the proposed development has been updated in order to provide for an assessment of the remaining treatment capacity of the WWTP in terms of P.E, taking into consideration the design capacity of the plant and its hydraulic loading, the status of the receiving environment associated with the WWTP, and an assessment of the potential for cumulative or in-combination effects.*

*-In relation to the WWTP, a revised assessment has been carried out, incorporating the requested elements based on the most up to date Uisce Eireann Annual Environmental Report.*

*- The development will make up <1% of the designed hydraulic design capacity and 3.46% of the hydraulic headroom remaining within WWTP. The data outlined in Table 3 of the NIS demonstrates that Ennis North WWTP retains substantial residual hydraulic and organic capacity.*

*- An assessment of the potential in combination effects of permitted and schemes currently undergoing planning within the catchment of the Ennis North WWTP has been undertaken. It has been found that the total volume for developments assessed for potential in combination effects within Ennis North Wastewater Plant is 167m<sup>3</sup>/day. The proposed development 147 m<sup>3</sup>/day. This gives a combined figure of 314 m<sup>3</sup>/day. This makes up approximately 7% of the remaining hydraulic headroom, and <5% of the remaining PE headroom.*

*- The updated NIS as submitted concludes that the development is unlikely to give rise to potential incombination effects in relation to the Ennis North Wastewater Treatment Plant. The WWTP operates within capacity, and it should be noted that confirmation of feasibility from Uisce Eireann was received for the proposed development.*

*The Environmental Assessment Officer of Clare County Council has commented comprehensively on the further information received in response to point 4(d) and the report of the EAO contains the following comments (in summary and amongst others).*



*Foul water will be discharged to the existing foul sewer located on Cahercalla Road. This network ultimately outfalls to Ennis North WwTP for treatment under license. As outlined in the 2023 Annual Environmental Report for Ennis North, ..... there is sufficient capacity until at least 2029 with 6841 organic capacity (Person Equivalent) remaining.*

*Uisce Eireann has confirmed in their latest capacity register (September 2025) that there is wastewater treatment capacity to accept the current proposed development. Therefore, no significant effects on Natura 2000 sites are foreseen from foul water drainage*

*The proposed development will ultimately discharge to the Clonroadmore Wastewater Treatment Plant in Ennis which underwent a significant upgrade to address its previous capacity issues. The old plant was severely overloaded, treating only 30% of the wastewater it received, with the remaining 70% \_ being discharged untreated into the River Fergus'. The €5.2 million investment increased the plant's capacity from 17,000 to 30,500 population equivalent (PE), ensuring that \_all\_ wastewater\_ is now treated to EPA standards'. This upgrade not only protects the River Fergus from pollution but also supports future population growth and economic development in the area' which has fed into the County Development Plan process and the zoning of this site for residential development*

*At the Tulla Road Pumping Station, significant upgrades were made as part of the overall improvement project for the Clonroadmore Wastewater Treatment Plant. These works included\_the\_installation\_of preliminary treatment facilities designed to enhance the quality of wastewater before it reaches the main treatment plant'\**

*By enhancing the preliminary treatment, the Francis Street Pumping Station can better manage increased wastewater volumes, ensuring that the water entering the main treatment plant is of higher quality.*

*Since the upgrade of the Clonroadmore Wastewater Treatment Plant, there has been a marked improvement in the water quality of the River Fergus.*

*\*The development will make up 3.46% of the hydraulic headroom remaining in the Ennis North Wastewater Treatment Plant.*

*The development is unlikely to give rise to potential in -combination effects in relation to the Ennis North Wastewater Treatment Plant.*

The first part of the document discusses the importance of maintaining accurate records of all transactions. It is essential to ensure that every entry is properly documented and verified. This process helps in identifying any discrepancies or errors early on, preventing them from escalating into larger issues.

Furthermore, the document emphasizes the need for transparency and accountability. All stakeholders should have access to the relevant information, and any changes or updates should be communicated promptly. This approach fosters trust and ensures that everyone is working towards the same goals.

In addition, the document highlights the significance of regular communication and collaboration. By holding frequent meetings and encouraging open dialogue, the team can stay aligned and address any challenges as they arise. This collaborative environment is crucial for the success of any project or organization.

Finally, the document concludes by reiterating the importance of continuous improvement. It is not enough to simply follow a set process; one must be willing to learn from mistakes and adapt to changing circumstances. This mindset is what sets successful organizations apart from the rest.



*The 2023 Annual Environmental Reports (AERs) for the Ennis North Wastewater Treatment Plant states that the discharge from the wastewater treatment plant does not have an observable negative impact on the Water Framework Directive status. Therefore, the proposed development is extremely unlikely to affect water quality within the receiving waters of the Fergus to an extent that leads to adverse effects upon the QIs of the Lower River Shannon SAC or the SCIs of the River Shannon and Fergus Estuaries SPA.*

Having regard to the details originally received and as submitted in response to the requests for FI, as well as the report of the Environmental Assessment Officer of Clare Council in terms of the Further Information received, I am satisfied that full and comprehensive consideration has been given to the matter of waste water treatment system capacity to accommodate the proposed development without potential for negative environmental impacts and the details submitted are considered to comprehensive demonstrate that there is sufficient capacity in terms of Uisce Eireann Waste water treatment infrastructure to accommodate the proposed developed without any negative environmental impacts.

An Coimisiún Pleanála will see the comprehensive observation I made in respect of the FI received and should note that notwithstanding platitudes elsewhere the Planner in the last paragraph makes not reference to my observation.

## **9. S.177V Determination**

The determination lists *“potential for impacts on the designated sites outlined here arises from three sources”*,

- Run-off which could enter via the Claureen River (and thereafter the River Fergus)
- Groundwater contamination (via underlying karst aquifer)
- Disturbance to Lesser Horseshoe Bat (habitat loss, human activity, light & noise pollution).

It has no regard to potential impacts from the additional discharges for the wastewater arising due to a lack of capacity in the network and the wwtp. It fails to consider the potential for in-combination or cumulative impacts from the stormwater discharges and the discharges from stormwater overflows and emergency overflows in the network or at the wwtp.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

In the second section, the author outlines the various methods used to collect and analyze the data. This includes both primary and secondary data collection techniques. The analysis focuses on identifying trends and patterns over time, which is crucial for making informed decisions.

The third section provides a detailed breakdown of the results. It shows that there has been a significant increase in sales volume, particularly in the online channel. This is attributed to the implementation of the new marketing strategy and the improved user experience on the website.

Finally, the document concludes with a set of recommendations for future actions. It suggests continuing to invest in digital marketing and exploring new product lines to further drive growth. Regular monitoring and reporting will be essential to track the success of these initiatives.

## 10. NIS

### WASTEWATER DRAINAGE SYSTEM OVERVIEW (Page 5)

The proposed wastewater drainage system will consist of a combination of gravity sewers and a pumped discharge to a local foul sewer. All gravity sewers will be laid beneath roads and open spaces.

Due to the site's topography, a pumping station is required and will be located at the lowest point in the northern section of the developable area. This station will serve the proposed development and allow for future connection of 7 existing dwellings along the Circular Road, as well as a small adjoining parcel of land to the south. The pumping station has been designed to provide 24-hour storage for approximately 330 units, in full compliance with Uisce Éireann's Code of Practice for Wastewater Infrastructure.

Foul flows will be pumped through a new rising main to the existing public sewer network, connecting via a new discharge manhole approximately 105 metres east of the site entrance, as required by Uisce Éireann.

The foul drainage network has been designed using Causeway Flow modelling software. All gravity pipes will be thermoplastic structured wall pipes, with diameters ranging from 150mm to 225mm. Gradients will vary between 1/21 and 1/200, and flow velocities will remain within the required range of 0.75 to 2.5 m/s, in accordance with Uisce Éireann standards.

A Pre-Connection Enquiry for the wastewater discharge from the proposed residential development was submitted to Uisce Éireann, and a Confirmation of Feasibility (CoF) statement has been received. All foul sewer designs were also submitted to Uisce Éireann for design vetting to obtain a Statement of Design Acceptance (SoDA) prior to the submission of the planning application. Both the CoF and SoDA are included in Appendix F.

Following the grant of planning permission, the final sewer designs will be submitted to Uisce Éireann for review and approval, prior to the issuance of a connection offer

## 11. Water Framework Directive

There is no WFD assessment carried out by the applicant or the PA.



## 12. Duty on Public Authorities

There are onerous duties on decision makers in deciding applications which include regard to;

Habitats Directive

Water Framework Directive

Waste Directive

The Water Services Act 2007 as amended

European Communities Environmental Objectives (Surface Waters) Regulations 2009, specifically require;

S.I. No. 272 of 2009 EUROPEAN COMMUNITIES ENVIRONMENTAL OBJECTIVES (SURFACE WATERS) REGULATIONS 2009

S.I. No. 327 of 2012 EUROPEAN COMMUNITIES ENVIRONMENTAL OBJECTIVES (SURFACE WATERS) (AMENDMENT) REGULATIONS 2012

S.I. No. 288 of 2022 EUROPEAN COMMUNITIES ENVIRONMENTAL OBJECTIVES (SURFACE WATERS) (AMENDMENT) REGULATIONS 2022

S.I. No. 50 of 2025 EUROPEAN COMMUNITIES ENVIRONMENTAL OBJECTIVES (SURFACE WATERS) (AMENDMENT) REGULATIONS 2025

S.I. No 722 of 2003 EUROPEAN COMMUNITIES (WATER POLICY) REGULATIONS 2003

### **The 2009 Regulations**

#### **Duty on public authorities**

4. A public authority that has functions the performance of which may affect the achievement of the environmental objectives established by these Regulations shall undertake those functions in a manner that will, as far as practicable, promote compliance with the requirements of these Regulations and, in particular shall—

(a) ensure, in so far as its functions allow, that—

The first part of the report...

The second part of the report...

The third part of the report...

The fourth part of the report...

The fifth part of the report...

The sixth part of the report...

The seventh part of the report...

The eighth part of the report...

The ninth part of the report...

The tenth part of the report...

(i) surface water bodies comply with the relevant environmental quality standards specified in the Schedules contained in these Regulations, and

(ii) protected areas achieve compliance with any standards and objectives laid down for such areas at the latest by 22 December 2015 unless otherwise specified in the national legislation under which the individual protected areas have been established.

Where one or more of the objectives or standards under this subparagraph relates to a given body of water, the most stringent shall apply

(b) establish or make operational within the timeframes prescribed such measures appropriate to its functions as are necessary to achieve the environmental objectives and quality standards established, including the objective of progressively reducing pollution by priority substances and the ceasing or phasing out of emissions, discharges and losses of priority hazardous substances, and

(c) consult, co-operate and liaise with other public authorities within the river basin district and, where appropriate with the relevant competent authorities in Northern Ireland, in such a manner and to such extent as is necessary to co-ordinate compliance with these Regulations.

5. A public authority shall not, in the performance of its functions, undertake those functions in a manner that knowingly causes or allows deterioration in the chemical status or ecological status (or ecological potential as the case may be) of a body of surface water.

#### **Emission controls and environmental quality standards**

7. Point source and diffuse source discharges liable to cause water pollution are prohibited except where subject to a system of prior authorisation or registration based on general binding rules. A public authority that authorises a discharge to waters shall lay down emission limits in the authorisation granted that satisfy the following requirements:



(a) the emission limits shall establish the maximum concentration and the maximum quantity of a substance permissible in a discharge and shall aim to achieve the environmental objectives established in Part III of these Regulations including the environmental quality standards set out in Schedules 5 and 6 and any standards or objectives laid down for protected areas, and

(b) discharges shall be controlled according to the combined approach whereby emission limits shall be established according to the stricter of the requirements which would result from the application of limits which aim to achieve the quality standards referred to in sub-paragraph

(a) and, where relevant, the application of limits based on—

(i) emission controls based on best available techniques, or

(ii) relevant emission limit values, or

(iii) in the case of diffuse impacts controls including, as appropriate, best environmental practices set out in:

— a specification prepared by the Agency in accordance with section 5 of the Environmental Protection Agency Act 1992 as amended by section 7 of the Protection of the Environment Act 2003 or

— the Urban Waste Water Treatment Regulations 2001 (S.I. No. 254 of 2001) as amended by the Urban Waste Water Treatment (Amendment) Regulations 2004 (S.I. No. 440 of 2004) or any future amendment thereof or

— the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2009 (S.I. No. 101 of 2009) or any future amendment thereof or

— the Local Government (Water Pollution) Act, 1977 (Control of Cadmium Discharges) Regulations 1985 (S.I. No. 294 of 1985) or

— the Local Government (Water Pollution) Act, 1977 (Control of Hexachlorocyclohexane and Mercury Discharges) Regulations 1986 (S.I. No. 55 of 1986) or

— the Local Government (Water Pollution) Acts, 1977 and 1990 (Control of Carbon Tetrachloride, DDT and Pentachlorophenol Discharges) Regulations 1994 (S.I. No. 43 of 1994) or



— measures or controls identified in a pollution reduction plan for the river basin district prepared in accordance with Part V of these Regulations for the reduction of pollution by priority substances or the ceasing or phasing out of emissions, discharges and losses of priority hazardous substances.

13. It shall be an offence not to comply with a requirement of these Regulations.

14. A person, public authority, body corporate or unincorporated body guilty of an offence is liable,

(1) on summary conviction to a fine not exceeding \5,000 or to imprisonment for a term not exceeding 3 months or to both, or

(2) on conviction on indictment to a fine not exceeding \500,000 or to imprisonment for a term not exceeding 3 years or to both.

15. Where an offence under these Regulations has been committed by a body corporate and is proved to have been committed with the consent or connivance or to be attributable to any neglect on the part of a person being a director, manager, secretary or other similar officer of the body corporate, or of a person who was purporting to act in any such capacity, that person as well as the body corporate is guilty of an offence and is liable to be proceeded against and punished as if that person was guilty of the first-mentioned offence.

#### Amendments to SW Regulations

#### **S.I. No. 288 of 2022**

#### **Amendment of Article 32 of Principal Regulations**

5. Article 32 of the Principal Regulations is amended by the substitution of the following paragraphs for paragraphs (1) and (2):

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

In the second section, the author outlines the various methods used to collect and analyze the data. This includes both manual and automated processes. The goal is to ensure that the data is both reliable and representative of the overall population being studied.

The third section provides a detailed breakdown of the results. It shows that there is a significant correlation between the variables being measured. This finding is supported by statistical analysis and is consistent with previous research in the field.

Finally, the document concludes with a series of recommendations for future research. It suggests that further studies should be conducted to explore the underlying causes of the observed trends. This will help to develop more effective strategies for addressing the issues at hand.



“(1) All practicable steps are taken to prevent further deterioration in status and in order not to compromise the achievement of the objectives of these Regulations in other bodies of water not affected by those circumstances;

(2) The conditions under which circumstances that are exceptional or that could not reasonably have been foreseen may be declared, including the adoption of the appropriate indicators, are stated in the river basin management plan;”.

### **Amendment of Article 44 of Principal Regulations**

6. Article 44 of the Principal Regulations is amended by substituting “Table 4A in Schedule 4” for “section 1.2 of Annex V of the Water Framework Directive” in each place where it occurs.

### **S.I. No. 50 of 2025**

#### **Interpretation**

2. (1) In these Regulations, “Principal Regulations” means the European Communities Environmental Objectives (Surface Waters) Regulations 2009 (S.I. No. 272 of 2009).

(2) A word or expression which is used in these Regulations and which is also used in the Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Directive.

### **AMENDMENT OF PRINCIPAL REGULATIONS**

#### **Amendment of Article 49 of Principal Regulations**

3. The Principal Regulations are amended by inserting the following Article after Article 49:

“49A. Where more than one of the objectives under paragraph 1 of Article 4 of the Water Framework Directive relates to a given body of water, the most stringent shall apply.”



### **Amendment of Schedule 2 of the Principal Regulations**

4. The 2009 Regulations are amended in Schedule 2 (amended by Regulation 8 of the European Communities Environmental Objectives (Surface Waters) (Amendment) Regulations 2022 (S.I. No. 288 of 2020)) by inserting the following paragraph after paragraph 8:

“8A. The controls, mentioned in paragraph 8, shall also apply to the indirect potential impacts on ground waters.”.

### **13. Previous Application SHD TA03.314448**

The previous application was for a very similar project which was judicially review predominantly on wastewater treatment and network capacity grounds. There was no finding in that case as to whether or not there is capacity in the Ennis North Network and/or wwtp. At its simplest the Court found that there was not the required evidence before the (then) Board to refuse planning permission. This appeal has addressed that matter and I believe there is ample evidence in this appeal for An Coimisiún Pleanála to overturn the decision of the PA.

I have copied the conclusions of Ms. Justice Farrell’s judgement below and would like to point out paragraph 97 and the reference to the EPA. This is practically the same development albeit under a slightly different planning process. However the need for the EPA to be consulted remains as strong as ever and I urge an Coimisiún to seek the input and expertise of the Agency as part of this appeal. I believe an Coimisiún has the discretion to do so and advising public bodies in such circumstances is a core duty of the Agency.

*[The text in this section is extremely faint and illegible. It appears to be a list or a series of entries, possibly related to a project or a collection of items.]*

## 14. **Duffy V An Bord Pleanala & Others [2025] IEHC 715**

### Conclusion

92. In summary, the complaint about material contravention of zoning has already been rejected in *O'Donnell v. Bord Pleanála* [2023] IEHC 381 and *Save Roscam v An Bord Pleanála* [2024] IEHC 335. The Applicant accepts that there is no basis for not following the authorities. Therefore, he cannot succeed on Core Ground 1.

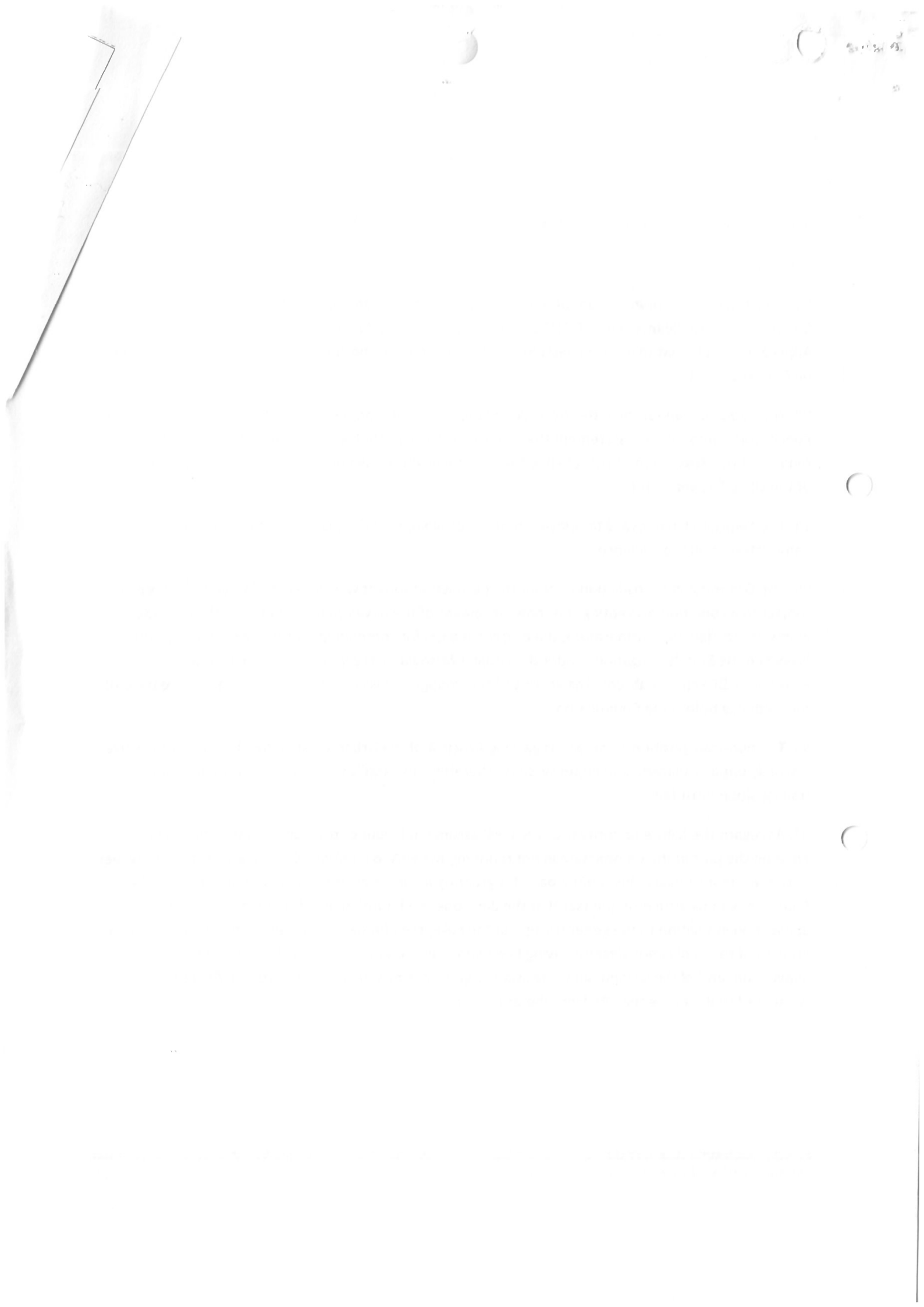
93. The complaint about the letter from Uisce Éireann is based on the incorrect premise that a need for minor works amounts to a statement that capacity is lacking. That would be an unduly restrictive reading of the Regulations. I am satisfied that the application was not invalid having regard to the terms of the Uisce Éireann letter.

94. The failure to have regard to relevant matters as pleaded at Core Ground 5 has not been demonstrated on the evidence.

95. The Commission's jurisdiction to grant the permission sought was not limited to granting permission subject to a condition preventing the commencement of the development until after the upgrade works are carried out. Furthermore, the evidential basis for contending that the permission granted breached the State's obligations under the Urban Wastewater Treatment Directive or Water Framework Directive is absent. The validity of the impugned decision must be assessed on the basis of the evidence before the Commission.

96. The non-transposition complaint regarding Article 4 of the Urban Wastewater Treatment Directive is wholly unparticularised and impermissible. Therefore, the application for a declaration of non-transposition must fail.

97. As regard the failure to notify the EPA, I will assume in favour of the Applicant that there was an error on the part of the Commission in not requiring the EPA to be notified of the application. However, in all the circumstances, this is not a basis for granting an order of certiorari in the discretion of the Court. I rely in particular on the fact that the developer had notified the EPA of the proposed application in relation to the general scope of the EIAR, the EPA did not complain that it had not been notified of the application despite having been joined in the proceedings and being aware of the application, and of the Commission's decision to grant permission. Furthermore, the Applicant consented to discharge the EPA from the proceedings.



## 15. ECJ - Case C-204/24

(Failure of a Member State to fulfil obligations – Environment – Directive 2000/60/EC – Community action in the field of water policy – Failure to transpose fully and correctly)

ACTION for failure to fulfil obligations under Article 258 TFEU, brought on 15 March 2024.

1. By its application, the European Commission requests the Court to declare that, by failing to correctly and fully transpose Article 2(38), Article 4(2), Article 5(2), Article 7(3), Article 9(2) and Article 11(3)(a) to (e), (i) and (l) of, as well as Annexes II and V to, Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ2000 L 327, p. 1), Ireland has failed to fulfil its obligations under that directive.

Article 11 of the same directive, entitled ‘Programme of measures’, provides:

“Basic measures” are the minimum requirements to be complied with and shall consist of:

(i) for any other significant adverse impacts on the status of water identified under Article 5 and Annex II, in particular measures to ensure that the hydromorphological conditions of the bodies of water are consistent with the achievement of the required ecological status or good ecological potential for bodies of water designated as artificial or heavily modified. Controls for this purpose may take the form of a requirement for prior authorisation or registration based on general binding rules where such a requirement is not otherwise provided for under Community legislation. Such controls shall be periodically reviewed and, where necessary, updated;

(l) any measures required to prevent significant losses of pollutants from technical installations, and to prevent and/or to reduce the impact of accidental pollution incidents for example as a result of floods, including through systems to detect or give warning of such events including, in the case of accidents which could not reasonably have been foreseen, all appropriate measures to reduce the risk to aquatic ecosystems.



11 Article 13 of Directive 2000/60, entitled 'River basin management plans', is worded as follows:

7. River basin management plans shall be reviewed and updated at the latest 15 years after the date of entry into force of this Directive and every six years thereafter.

14 Section 1 of Annex V to Directive 2000/60, entitled 'Surface water status', includes a point 1.3, entitled 'Monitoring of ecological status and chemical status for surface waters', which is worded as follows:

Habitat and species protection areas

Bodies of water forming these areas shall be included within the operational monitoring programme referred to above where, on the basis of the impact assessment and the surveillance monitoring, they are identified as being at risk of failing to meet their environmental objectives under Article 4. Monitoring shall be carried out to assess the magnitude and impact of all relevant significant pressures on these bodies and, where necessary, to assess changes in the status of such bodies resulting from the programmes of measures. Monitoring shall continue until the areas satisfy the water-related requirements of the legislation under which they are designated and meet their objectives under Article 4.

15 Point 2 of Annex V to that directive, relating to 'Groundwater', includes a point 2.4, entitled 'Monitoring of groundwater chemical status', point 2.4.5 of which, itself entitled 'Interpretation and presentation of groundwater chemical status', provides:

Subject to point 2.5, Member States shall provide a map of groundwater chemical status, colour-coded as indicated below:

Good: green

Poor: red



Member States shall also indicate by a black dot on the map, those groundwater bodies which are subject to a significant and sustained upward trend in the concentrations of any pollutant resulting from the impact of human activity. Reversal of a trend shall be indicated by a blue dot on the map.

20 Regulation 3(1)(a) of the 2003 Regulations requires each public authority to 'exercise its functions in a manner which is consistent with the provisions of [Directive 2000/60] and which achieves or promotes compliance with the requirements of that directive'.

21 Under regulation 3(1)(b) of those regulations, each public authority has the duty to 'take such actions as may be appropriate in the context of its functions to secure compliance with [Directive 2000/60] and with the provisions of any river basin management plan made, and any programme of measures established, in accordance with these Regulations'.

22 According to regulation 6(2) of those regulations, the Environmental Protection Agency ('the EPA') is to take such measures as it considers appropriate to promote and facilitate the coordination of activities for the purposes of Articles 4, 5, 7, 10, 11 and 13 of Directive 2000/60.

#### Findings of the Court

89 Next, having regard to the Irish legislation as it stood at the end of the period laid down in the additional reasoned opinion, namely 30 December 2020, such a generic reference to the obligation, for the relevant national authorities, to 'establish environmental objectives in relation to each river basin district' in no way appears to ensure the implementation of Article 4(2) of the said directive.



### **Third complaint: failure to transpose Article 5 (2) of Directive 2000/60**

#### Arguments of the parties

93 In its application, the Commission stresses that, during the pre-litigation procedure, it acknowledged that Article 5(2) of Directive 2000/60 had been transposed by regulation 7(6) of the 2003 Regulations. However, it found that that regulation 7(6) had been repealed by regulation 5 of the European Union (Water Policy) Regulations 2014 (S.I. No 350 of 2014). Consequently, it inferred that Article 5(2) of that directive was no longer transposed into Irish law.

94 The Commission adds that the Irish authorities acknowledged, during the pre-litigation procedure, that that repeal had taken place inadvertently and that they undertook to re-transpose the said Article 5(2).

95 Having received, on 17 June 2022, notification of the 2022 Regulations, it notes that, contrary to what is stated in the correlation table communicated alongside that notification, no national provision appears to transpose Article 5(2) of Directive 2000/60. It therefore considers that Ireland has failed to fulfil its obligation to provide for the review, every six years after their first update, of the analyses and reviews referred to in Article 5(1) of that directive.

96 Ireland acknowledges that regulation 7(6) of the 2003 Regulations was deleted inadvertently. It therefore undertakes to re-transpose Article 5(2) of Directive 2000/60 completely and effectively into Irish law. Ireland states that that transposition will be notified in due course before 31 December 2024.

102 In the case at hand, Ireland having acknowledged that it inadvertently repealed the provision of the 2003 Regulations implementing the obligation contained in Article 5(2) of Directive 2000/60, without having put an end to the alleged failure to fulfil obligations at the end of the period laid down in the additional reasoned opinion, that situation corresponds to negligence within the meaning of the case-law cited in the preceding paragraph. Accordingly, it must be held that the third complaint is well founded.



### **Sixth to ninth complaints: failure to transpose**

Article 11 (3)(a) to (d) of Directive 2000/60 in relation to groundwater Arguments of the parties

160 Regarding the transposition of those provisions into Irish law on the expiry of the period laid down in the additional reasoned opinion, namely 30 December 2020, it should be noted that Ireland does not dispute that such transposition had to be carried out not only for bodies of surface water, but also for groundwater. That Member State nevertheless submits that, on the expiry of that period, regulation 12(2) of the 2003 Regulations, supplemented by regulation 3(1)(a) and (b) of those regulations, ensured adequate transposition of those provisions for groundwater.

161 In that regard, it is important to point out that, whereas regulation 3(1)(a) and (b) of the 2003 Regulations places every public authority under a duty to exercise its functions in a manner which is consistent with the provisions of Directive 2000/60 and which achieves and promotes compliance with the requirements of it, while taking appropriate measures to ensure compliance with it, regulation 12(2) of those regulations merely states that ‘a programme of measures shall include the basic measures specified in Article 11(3) of ... Directive [2000/60] and such supplementary measures specified in Article 11(4) of ...Directive [2000/60] as the relevant authorities consider appropriate.’

165 Furthermore, Ireland has not set out the reasons why it considered that, at the end of the period laid down in the additional reasoned opinion, the specific obligation to transpose Article 11(3)(a) to (d) of Directive 2000/60 applied to bodies of surface water but not to bodies of groundwater.

166 Accordingly, the sixth to ninth complaints, alleging failure to transpose Article 11(3)(a) to (d) of Directive 2000/60 in relation to groundwater, are well founded.



### **Eleventh complaint: incomplete transposition of Article 11 (3)(i) of Directive 2000/60**

Arguments of the parties

187 The Commission points out that, under Article 11(3)(i) of Directive 2000/60, 'basic measures' must include the monitoring of the hydromorphological status not only of surface water but also of groundwater, which may take the form of a requirement for prior authorisation or registration based on binding rules subject to periodic review.

212 Consequently, the eleventh complaint must be upheld in so far as it alleges incomplete transposition of Article 11(3)(i) of Directive 2000/60 as regards surface waters and rejected as to the remainder.

### **Twelfth complaint: failure to transpose Article 11 (3)(l) of Directive 2000/60 in relation to groundwater**

Arguments of the parties

213 According to the Commission, Article 11(3)(l) of Directive 2000/60 requires Member States to establish a detection and warning system in order to reduce the risks to aquatic ecosystems in the event of accidental pollution, including for groundwater.

221 It follows that the twelfth complaint, alleging failure to transpose Article 11(3)(l) of Directive 2000/60 in relation to groundwater, is well founded.

### **Thirteenth complaint: failure to transpose points 1.4 and 1.5 of Annex II to Directive 2000/60**

Arguments of the parties

222 The Commission recalls that one of the main provisions of Directive 2000/60 is Article 5, which concerns the identification of the characteristics of a river basin district, a review of the environmental impact of human activity on the waters in that district and an economic analysis of water use in the said district. Annex II to that directive sets out many of the technical specifications according to which those tasks must be carried out.



The first part of the document discusses the importance of maintaining accurate records of all transactions. This includes not only sales and purchases but also the flow of goods and services between different departments and locations. By keeping detailed records, management can identify trends, control costs, and ensure that all activities are properly accounted for.

In addition, the document emphasizes the need for regular audits and reconciliations. These processes help to detect errors, prevent fraud, and ensure that the financial statements are reliable and accurate. It is also important to have a clear system of internal controls in place to minimize the risk of misstatements and ensure that all transactions are properly authorized and recorded.



The second part of the document focuses on the role of the accounting department in providing timely and accurate financial information to management. This involves not only recording transactions but also analyzing the data to provide insights into the company's financial performance. Management needs to know where the company stands at all times, and the accounting department is responsible for providing this information in a clear and concise manner.

Furthermore, the document highlights the importance of communication between the accounting department and other parts of the organization. Accounting is not an isolated function; it is closely intertwined with operations, sales, and purchasing. Effective communication ensures that all parties are aware of their financial responsibilities and can work together to achieve the company's goals.



Finally, the document discusses the role of the accounting department in preparing financial statements for external stakeholders. These statements, including the balance sheet, income statement, and cash flow statement, provide a snapshot of the company's financial health and are essential for investors, creditors, and other interested parties. The accounting department must ensure that these statements are prepared in accordance with applicable accounting standards and are free from any material misstatements.

In conclusion, the accounting department plays a vital role in the success of any organization. By maintaining accurate records, providing timely financial information, and ensuring compliance with accounting standards, the accounting department helps management make informed decisions and achieve the company's long-term objectives.

223 Those specifications include points 1.4 and 1.5 of Annex II, which concern, respectively, identification of the anthropogenic pressures to which the surface water bodies in a river basin district are liable to be subject and the assessment of the susceptibility of the surface water status of each surface water body to those pressures. According to the Commission, those points speak directly to the second of the three pillars on which Article 5 of that directive is based, namely a review of the environmental impact of human activity on the waters in a river basin district.

224 The Commission notes, however, that there is no provision in Irish law transposing those two points of the said Annex II. There is no mention of them in the 2022 Regulations, which amended the 2003 Regulations and which however transposed other points of the same Annex II.

225 The Commission adds that, while it does not dispute Ireland's assertion that it is legitimate, in practice, to leave it to a competent authority, such as the EPA, to select by means of a technical evaluation which of the elements detailed in points 1.4 and 1.5 of Annex II to Directive 2000/60 need monitoring and assessment, it does not agree with the Irish authorities' conclusion that it is not necessary for the scope of that discretion to be described in national law, where, as in the case at hand, the points in question are central to the effective functioning of the framework established by that directive.

226 Ireland states that, in view of the Commission's concerns and in accordance with the duty of sincere cooperation, it made express reference to that Annex II in the 2022 Regulations, which amends the 2003 Regulations.

227 However, the Commission's thirteenth complaint amounts to a requirement that all of the detailed provisions of the said Annex II – points 1.4 and 1.5 in this case – be incorporated formally and verbatim in express, specific legislation, even though the Commission has acknowledged that some of those provisions are of a highly technical nature appropriate for technical evaluation by the relevant national authority.



228 Without prejudice to that position, Ireland indicates that it undertakes to amend the 2003 Regulations again, before 31 December 2024, to insert points 1.4 and 1.5 of Annex II to Directive 2000/60 into them.

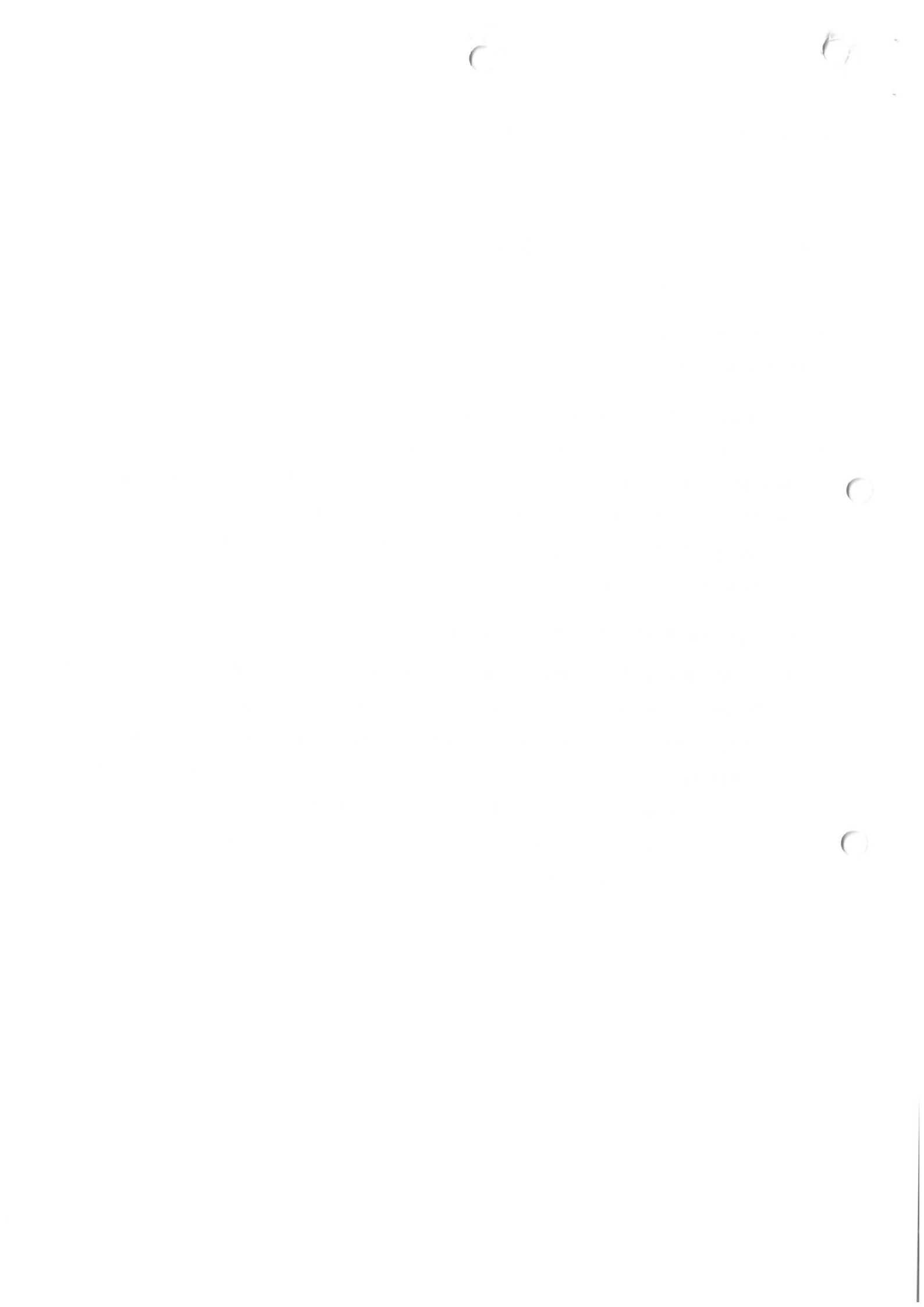
240 It follows that the thirteenth complaint, alleging failure to transpose points 1.4 and 1.5 of Annex II to Directive 2000/60, is well founded.

**Fourteenth complaint: failure to transpose points 1.3 to 1.3.5 and the first paragraph of point 2.4.5 of Annex V to Directive 2000/60**

255 In the light of all the foregoing considerations, it must be held that, by failing to transpose fully or correctly Article 2(38), Article 4(2), Article 5(2), Article 7(3), Article 9(2), Article 11(3)(a) to (d) in relation to groundwater, Article 11(3)(e), Article 11(3)(i) in relation to surface water, Article 11(3)(l) in relation to groundwater, and points 1.4 and 1.5 of Annex II to, and points 1.3.1 to 1.3.5 and point 2.4.5, first paragraph, of Annex V to Directive 2000/60, Ireland has failed to fulfil its obligations under those provisions.

**On those grounds, the Court (Ninth Chamber) hereby:**

1. Declares that, by failing to transpose fully or correctly Article 2(38), Article 4(2), Article 5(2), Article 7(3), Article 9(2), Article 11(3)(a) to (d) in relation to groundwater, Article 11(3)(e), Article 11(3)(i) in relation to surface water, Article 11(3)(l) in relation to groundwater, and points 1.4 and 1.5 of Annex II to, and points 1.3.1 to 1.3.5 and point 2.4.5, first paragraph, of Annex V to Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, Ireland has failed to fulfil its obligations under those provisions;



## 16. Conclusion

There are three grounds in this appeal. Two of them can be very easily resolved by An Coimisiún.

It can request the Applicant to demonstrate that there actually is capacity within a reasonable distance of this proposed site for licensed or certified disposal of C&D waste and that those sites have a capability to accept C&D waste at the rate at which the applicant will need to dispose of it. This is because C&D sites often have planning conditions restricting the number of truck movements to as few as five loads per day.

The other issue easily resolved is a condition precluding the on-site crushing of rock arising on the site on the basis that this was not sought in the development application and was not assessed in the EIAR and NIS. Furthermore, as it was not in the development description the public could not comment on it. It is an unauthorised trend on such sites which has environmental, planning and economic considerations. I have no hard and fast opinions other than if the developer intends to crush the rock arising on the site it should have declared it in the planning application. As matters stand I have demonstrated where crushing of rock is referred to in several submitted reports but is not mentioned in the development description.

This should narrow the appeal significantly so that it can focus on water and the impacts on groundwater and surface waters both of which are already impacted in Ennis and its environs. I have provided much detail in my FI observation. Enough that a reasonable observer might think that the PA should have sat up and paid a little bit more attention than it did. It played the game to a certain extent up to the RFI stage and thereafter dropped the ball and quite frankly embarrassed itself in so far as a PA can do so. In the alternative it is bringing the planning process into disrepute.

I'm not shy and I know where the Four Courts are notwithstanding the bad actors commenting on judicial reviews. If Europe and the State say we can discharge our foul sewers into adjacent rivers then that will be the law of the land and I and others will have to accept that. Until then I will fight cynicism. I have provided even more information to An Coimisiún least what was provided to the PA was not enough.



Judge Farrell set a good road-map and I have followed it. An Coimisiún can decide whether or not it wants to involve the EPA. That might be an astute move as it could transfer the target from the Coimisiún going forward.

The EPA data appended hereto is telling about this wwtp and network. Any comparison of the plant capacity tables over the different years of the AER's will demonstrate how the figures are being clouded and hidden. The irrefutable proof is in the 2018, 2019 and 2023 SVR's in which the plant is declared to be hydraulically overloaded, has operational problems, is not meeting the Department criteria for SWO's , and is a significant pressure which is impacting on the SAC waterbody. I'm not imagining this, its in the data.

Michael Duffy

#### List of Appendices

- A. Uisce Eireann**
- B. Report of Daniel Owens**
- C. M Duffy FI observations**
- D. AERs**
- E. SVRs**
- F. Licence Review**
- G. Licence**
- H. ECJ**
- I. CoF v Facts**



For the attention of Aida Vaisvilaitė  
MH Planning  
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Ballincollig  
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H31 YX97

20<sup>th</sup> January 2025

**By Email:** [avaisvilaitė@mhplanning.ie](mailto:avaisvilaitė@mhplanning.ie)

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**Re: EIA Scoping Request** – Proposed development consisting of 300 no. residential units (comprising 111 no. detached/semidetached houses, 171 no. townhouses, and 18 no. bungalows), an 80 child creche, and all associated site development works including landscaping, open spaces, parking, access, and drainage at Ballymacaula, Drumbiggle, Keelty, Circular Road, Ennis, Co. Clare.

Dear Aida,

Uisce Éireann has received notification of your Environmental Impact Assessment (EIA) scoping request relating to Glenveagh Homes Ltd.'s forthcoming application to construct 300 no. residential units (comprising 111 no. detached/semidetached houses, 171 no. townhouses, and 18 no. bungalows), an 80 child creche, and all associated site development works including landscaping, open spaces, parking, access, and drainage at Ballymacaula, Drumbiggle, Keelty, Circular Road, Ennis, Co. Clare.

Please see attached, Uisce Éireann's scoping opinion in relation to your proposals and Uisce Éireann's public infrastructure & assets.

On receipt of the planning referral, Uisce Éireann will review the finalised Environmental Impact Assessment Report (EIA) as part of our planning assessment. Uisce Éireann will then issue a statutory response to the Planning Authority in line with our obligations as a statutory consultee.

#### **Uisce Éireann's Response to EIA Scoping Request**

The proposed site boundary as described appears to have no interaction with existing UE infrastructure, however please note that Uisce Éireann does not allow build over of its infrastructure, and if such an impact is to be expected, an agreement between the applicant and our diversions team will be necessary.

The proposed development requires significant water and wastewater services from UE. The applicant is encouraged to engage with UE's connections department at an early

juncture, submit the connection enquiry to Uisce Éireann and receive a Confirmation of Feasibility (COF) letter from the, that will form part of the formal planning application lodgment documentation.

In addition to the specific items outlined above please note the following aspects of Water Services which should be considered in the scope of an EIA/R where relevant:

- a) Where the development proposal has the potential to impact an Uisce Éireann Drinking Water Source(s), the applicant shall provide details of measures to be taken to ensure that there will be no negative impact to Uisce Éireann's Drinking Water Source(s) during the construction and operational phases of the development. Hydrological / hydrogeological pathways between the applicant's site and receiving waters should be identified as part of the report.
- b) Where the development proposes the backfilling of materials, the applicant is required to include a waste sampling strategy to ensure the material is inert.
- c) Mitigations should be proposed for any potential negative impacts on any water source(s) which may be in proximity and included in the environmental management plan and incident response.
- d) Any and all potential impacts on the nearby reservoir as public water supply water source(s) are assessed, including any impact on hydrogeology and any groundwater/ surface water interactions.
- e) Impacts of the development on the capacity of water services (i.e. do existing water services have the capacity to cater for the new development). This is confirmed by Uisce Éireann in the form of a Confirmation of Feasibility (COF). If a development requires a connection to either a public water supply or sewage collection system, the developer is advised to submit a Pre-Connection Enquiry (PCE) enquiry to Uisce Éireann to determine the feasibility of connection to the Uisce Éireann network.
- f) The applicant shall identify any upgrading of water services infrastructure that would be required to accommodate the proposed development.
- g) In relation to a development that would discharge trade effluent – any upstream treatment or attenuation of discharges required prior to discharging to an Uisce Éireann collection network.



- h) In relation to the management of surface water, the potential impact of surface water discharges to combined sewer networks and potential measures to minimise and or / stop surface waters from combined sewers.
- i) Any physical impact on Uisce Éireann assets – reservoir, drinking water source, treatment works, pipes, pumping stations, discharges outfalls etc. including any relocation of assets.
- j) When considering a development proposal, the applicant is advised to determine the location of public water services assets, possible connection points from the applicant's site / lands to the public network and any drinking water abstraction catchments to ensure these are included and fully assessed in any pre-planning proposals. Details, where known, can be obtained by emailing an Ordnance Survey map identifying the proposed location of the applicant's intended development
- k) Other indicators or methodologies for identifying infrastructure located within the applicant's lands are the presence of registered wayleave agreements, visible manholes, vent stacks, valve chambers, marker posts etc. within the proposed site.
- l) Any potential impacts on the assimilative capacity of receiving waters in relation to Uisce Éireann discharge outfalls including changes in dispersion / circulation characterises. Hydrological / hydrogeological pathways between the applicant's site and receiving waters should be identified within the report.
- m) Any potential impact on the contributing catchment of water sources either in terms of water abstraction for the development (*and resultant potential impact on the capacity of the source*) or the potential of the development to influence / present a risk to the quality of the water abstracted by Uisce Éireann for public supply should be identified within the report.
- n) Where a development proposes to connect to an Uisce Éireann network and that network either abstracts water from or discharges wastewater to a "protected"/ sensitive area, consideration as to whether the integrity of the site / conservation objectives of the site would be compromised should be identified within the report.
- o) Uisce Éireann does not permit building over of its assets. As an applicant you are required to;

- survey a site to determine the exact location of the assets. Any trial investigations should be carried out with the agreement and in the presence of Uisce Éireann.
- Provide evidence of separation distances between the existing Uisce Éireann assets and proposed structures, other services, trees, etc. have to be in accordance with the Irish Water Codes of Practice and Standard Details.

- p) Where a diversion of Public Infrastructure may be required subject to layout proposal of the development and separation distances, the applicant is required to submit a Diversions Enquiry to [diversions@water.ie](mailto:diversions@water.ie)
- q) Mitigation measures in relation to any of the above ensuring a zero risk to any Uisce Éireann drinking water sources (Surface and Ground water).

*This is not an exhaustive list.*

**Please note:**

- Where connection(s) to the public network is required as part of the development proposal, applicants are advised to complete the Pre-Connection Enquiry process and have received a Confirmation of Feasibility letter from Uisce Éireann ahead of any planning application.
- Uisce Éireann will not accept new surface water discharges to combined sewer networks.
- Where a new connection(s) is sought, the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann prior to the commencement of this development.
- Where an existing connection is on place, the applicant or developer may be required to enter into a new or revised water and/or wastewater connection agreement(s) with Uisce Éireann prior to the commencement of this development.



Queries relating to this EIA/R scoping request should be directed to [planning@water.ie](mailto:planning@water.ie)

PP. Ali Robinson

Signed on behalf of Geoffrey Burke  
Connections and Developer Services

An Roinn Tithíocht agus Oidhreacht  
Rialtais Aitiúil is Oidhreacht  
Department of Housing,  
Local Government and Heritage

Your Ref: ENNIS SHD

Our Ref: G Pre0029/2022 (Please quote in all related correspondence)

22 April 2022

McCutcheon Halley Chartered Planning Consultant  
6 Joyce House  
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Ballincollig  
Co. Cork

Via email: [mocallaghan@mhplanning.ie](mailto:mocallaghan@mhplanning.ie)

**Proposed Pre Planning Development: Glenveagh Homes Ltd Environmental Impact Assessment Report (EIA/R) for a proposed residential development of c. 285 no. residential units ; at Ballymacaula, Keelty, Drumbiggle, Circular Road, Ennis, Co. Clare**

A chara

I refer to correspondence received in connection with the above. Outlined below are heritage-related observations/recommendations co-ordinated by the Development Applications Unit under the stated headings.

#### **Nature Conservation**

This submission is made by the Department in its advisory role in relation to biodiversity, nature conservation, and the nature directives (i.e. the Birds and Habitats Directives). The observations are not exhaustive and focus on key issues of potential relevance to European sites, natural habitats and protected species, biodiversity protection, aspects of proper planning and sustainable development, and the scope of the environmental assessments that may be required. The observations are made on the basis of the information provided and are without prejudice to any future recommendation that may be made by the Department if/when a planning application is made.

Assessment of the direct and indirect significant effects of the project on biodiversity should be made, where applicable, and especially with regard to all Species protected under the Wildlife Acts. Regarding survey, assessment and potential mitigation proposals in particular it should be noted that the site is utilised by badgers and other mammals. Good quality ecological corridors occur throughout the site. These are in the form of stone walls with mature hazel scrub alongside which grades to more recent whitethorn/blackthorn scrub which is colonising adjacent open fields. The corridors are suitable for protected mammals (for example stoat in the stone walls) and potentially lizards. It is also possible that Pine Marten could utilise the site considering the range and habitat of the species. It should be noted a golf course and built up area bounds the site to the east whilst the N85 road bounds

Aonad na nIarratas ar Fhorbairt, Oifigi an Rialtais, Bóthair an Bhaile Nua, Loch Gaman, Y35 AP90  
Development Applications Unit, Government Offices, Newtown Road, Wexford, Y35 AP90  
[manager.deau@housing.gov.ie](mailto:manager.deau@housing.gov.ie)  
[www.gov.ie/housing](http://www.gov.ie/housing)





6 Joyce House,  
Barrack Square  
Ballincollig, Co Cork  
P31 YX97

8<sup>th</sup> February 2022

**Re: EIA Scoping Request – Strategic Housing Development at Ballymacaula,**  
Keelty, Drumbiggie, Circular Road, Ennis Co. Clare.

Dear Ms O'Callaghan,

Irish Water has received notification of your Environmental Impact Assessment (EIA) scoping request relating to your Strategic Housing Development (SHD) proposal to construct a "residential development of c. 285 no. residential units" at Ballymacaula, Keelty, Drumbiggie, Circular Road, Ennis Co. Clare.

Please see attached, Irish Water's scoping opinion in relation to Water Services. On receipt of the planning referral, Irish Water will review the finalised Environmental Impact Assessment Report (EIAR) as part of the planning process.

Queries relating to the terms and the EIA scoping opinions below should be directed to [planning@water.ie](mailto:planning@water.ie)

Yours sincerely,

Signed on behalf of Irish Water:

PP: Ali Robinson

**Yvonne Harris**  
Connections and Development Services

## Irish Water's Response to EIA Scoping Requests

At present, Irish Water does not have the capacity to advise on the scoping of individual projects. However, in general the following aspects of Water Services should be considered in the scope of an EIA where relevant;

- a) Where the development proposal has the potential to impact an Irish Water Drinking Water Source(s), the applicant shall provide details of measures to be taken to ensure that there will be no negative impact to Irish Waters Drinking Water Source(s) during the construction and operational phases of the development. Hydrological / hydrogeological pathways between the applicant's site and receiving waters should be identified as part of the report.
- b) Where the development proposes the backfilling of materials, the applicant is required to include a waste sampling strategy to ensure the material is inert.
- c) Mitigations should be proposed for any potential negative impacts on any water source(s) which may be in proximity and included in the environmental management plan and incident response.
- d) Any and all potential impacts on the nearby reservoir as public water supply water source(s) are assessed, including any impact on hydrogeology and any groundwater/ surface water interactions.
- e) Impacts of the development on the capacity of water services (*i.e. do existing water services have the capacity to cater for the new development*). This is confirmed by Irish Water in the form of a Confirmation of Feasibility (COF). If a development requires a connection to either a public water supply or sewage collection system, the developer is advised to submit a Pre-Connection Enquiry (PCE) enquiry to Irish Water to determine the feasibility of connection to the Irish Water network. All pre-connection enquiry forms are available from <https://www.water.ie/connections/connection-steps/>.
- f) The applicant shall identify any upgrading of water services infrastructure that would be required to accommodate the proposed development.
- g) In relation to a development that would discharge trade effluent – any upstream treatment or attenuation of discharges required prior to discharging to an Irish Water collection network.
- h) In relation to the management of surface water; the potential impact of surface water discharges to combined sewer networks and potential measures to minimise and or / stop surface waters from combined sewers.
- i) Any physical impact on Irish Water assets – reservoir, drinking water source, treatment works, pipes, pumping stations, discharges outfalls etc. including any relocation of assets.
- j) When considering a development proposal, the applicant is advised to determine the location of public water services assets, possible connection points from the applicant's site / lands to the public network and any drinking



water abstraction catchments to ensure these are included and fully assessed in any pre-planning proposals. Details, where known, can be obtained by emailing an Ordnance Survey map identifying the proposed location of the applicant's intended development to [datarequests@water.ie](mailto:datarequests@water.ie).

- k) Other indicators or methodologies for identifying infrastructure located within the applicant's lands are the presence of registered wayleave agreements, visible manholes, vent stacks, valve chambers, marker posts etc. within the proposed site.
- l) Any potential impacts on the assimilative capacity of receiving waters in relation to Irish Water discharge outfalls including changes in dispersion / circulation characterises. Hydrological / hydrogeological pathways between the applicant's site and receiving waters should be identified within the report.
- m) Any potential impact on the contributing catchment of water sources either in terms of water abstraction for the development (*and resultant potential impact on the capacity of the source*) or the potential of the development to influence / present a risk to the quality of the water abstracted by Irish Water for public supply should be identified within the report.
- n) Where a development proposes to connect to an Irish Water network and that network either abstracts water from or discharges wastewater to a "protected"/ sensitive area, consideration as to whether the integrity of the site / conservation objectives of the site would be compromised should be identified within the report.
- o) Mitigation measures in relation to any of the above ensuring a zero risk to any Irish Water drinking water sources (Surface and Ground water).

*This is not an exhaustive list.*

**Please note;**

- Where connection(s) to the public network is required as part of the development proposal, applicants are advised to complete the Pre-Connection Enquiry process and have received a Confirmation of Feasibility letter from Irish Water ahead of any planning application.
- Irish Water will not accept new surface water discharges to combined sewer networks.



**Maíella O'Callaghan**  
Mc Curcheon Halley  
Arran Court  
Kreston House,  
Arran Quay,  
Dublin,  
D07 K271  
By email [mocallaghan@mhplanning.ie](mailto:mocallaghan@mhplanning.ie)

**Date/Dáta:** 17-02-2022

**Re: TI22-117109 - EIS Scoping for Proposed SHD Application in Ennis Co. Clare**

Dear Ms. O'Callaghan,

I refer to your letter of 31<sup>st</sup> of January, relating to the above.

Transport Infrastructure Ireland (TII) safeguards the strategic function of Luas and National Roads to promote the safe and efficient operation of both the national roads and light rail networks.

The approach to be adopted by TII in making submissions or comments will seek to uphold official policy and guidance as outlined in the Spatial Planning and National Roads Guidelines for Planning Authorities (2012). Regard should also be had to other relevant guidance available at [www.TII.ie](http://www.TII.ie).

With regard to this location and area, TII has made submissions on planning applications file references 18/811 and 17/237 requesting clarification on proposals for surface water disposal which had the potential to impact on the N85, national road, drainage regime.

TII does not support proposals for private development to discharge to national road drainage infrastructure. Such proposals have the potential to impact on the capacity and efficiency of the drainage regime provided for the national road network. It is TII's opinion that adequate surface water drainage proposals need to be presented for development proposals in this area which demonstrate that the drainage regime associated with the N85, national road, is safeguarded and independent from the road.

It is requested that the applicant addresses this matter comprehensively and, where warranted, alternative surface water disposal proposals developed prior to the making of a future planning application.

TII will not be responsible for the costs of any future mitigation, repair or improvement required to the national road and associated drainage regime to remedy any negative impacts arising as a result of private development proposals being facilitated by the planning authority. Such costs will be the responsibility of the Council and/or the applicant.

With respect to General EIA Scoping issues, the recommendations indicated below provide only general guidance for the preparation of EIA, which may affect the National Roads Network. The developer should have regard, *inter alia*, to the following;

As set down in the DoECLG Spatial Planning and National Roads Guidelines (2012) it is in the public interest that, in so far as is reasonably practicable, that the national road network continues to serve its intended strategic purpose. The EIA should identify the methods/techniques proposed for any works traversing/in proximity to the national road network to demonstrate that the development can proceed complementary to safeguarding the capacity, safety and operational efficiency of that network.

Príobháilte BIÉ sonraí pearsanta a sholáibráilr do i gcomhair leas Fhóige ar Chosaint Sonraí atá ar fáil ag [www.tii.ie](http://www.tii.ie).  
TII processes personal data in accordance with its Data Protection Notice available at [www.tii.ie](http://www.tii.ie).



Bonnagar Iompar Éireann  
Inland Giro Chearta na Pláisce  
Blair Atha Caith B  
Éire, D08 DK10



Transport Infrastructure Ireland  
Perigale Business Centre  
Dublin 8  
Ireland, D08 DK10



+353 (0)1 646 3000

[www.tii.ie](http://www.tii.ie)

+353 (0)1 646 3600

+353 (0)1 646 3601



1. Consultations should be had with the relevant Local Authority/National Roads Design Office with regard to locations of existing and future national road schemes.
2. The Environmental Assessment should have regard to previous Environmental Assessment Statements/Reports and conditions and/or modifications imposed by An Bord Pleanála regarding road schemes in the area.
3. Where appropriate, subject to meeting the appropriate thresholds and criteria and having regard to best practice, a Traffic and Transport Assessment be carried out in accordance with relevant guidelines, noting construction and operational traffic volumes attending the site and traffic routes to/from the site with reference to impacts on the national road network and junctions of lower category roads with national roads. The Authority's Traffic and Transport Assessment Guidelines (2014) should be referred to in relation to proposed development with potential impacts on the national road network. The scheme promoter is also advised to have regard to Section 2.2 of the TII TTA Guidelines which addresses requirements for sub-threshold TTA.
4. TII Standards should be consulted to determine the requirement for Road Safety Audit (RSA) and Road Safety Impact Assessment (RSIA).
5. Assessments and design and construction and maintenance standards and guidance are available at TII Publications that replaced the NRA Design Manual for Roads and Bridges (DMRB) and the NRA Manual of Contract Documents for Road Works (MCDRW).
6. Environmental Impact Assessment shall include provision for travel planning / mobility management planning in the interests of protecting national roads capacity in the interests of sustainable travel policy.
7. The developer, in conducting Environmental Impact Assessment, should have regard to TII Environment Guidelines that deal with assessment and mitigation measures for varied environmental factors and occurrences. In particular evidenced assessment of the protection of the strategic function of the national road and interface with adjacent land uses in relation to the following matters is required;
  - i. TII's Environmental Assessment and Construction Guidelines, including the *Guidelines for the Treatment of Air Quality During the Planning and Construction of National Road Schemes* (National Roads Authority, 2006),
  - ii. The EIA should consider the Environmental Noise Regulations 2006 (SI 140 of 2006) and, in particular, how the development will affect future action plans by the relevant competent authority. The developer may need to consider the incorporation of noise barriers and attenuation to reduce noise impacts (see *Guidelines for the Treatment of Noise and Vibration in National Road Schemes* (1<sup>st</sup> Rev., National Roads Authority, 2004)). The Authority will entertain no future claims in respect of impacts on the proposed development, if approved, due to the presence of the existing road or any new road scheme which is currently in planning.
  - iii. The Authority requests that the EIA has regard to the provisions of Chapter 3 of the DoECLG Spatial Planning and National Roads Guidelines in the assessment and determination of the subject planning application. The Authority will entertain no future claims in respect of impacts (e.g. dust, glare visual etc.) on the proposed development, if approved, due to the presence of the existing road or any new road scheme which is currently in planning.

The developer is advised that any additional works/structures required as a result of the Assessment should be funded by the developer.

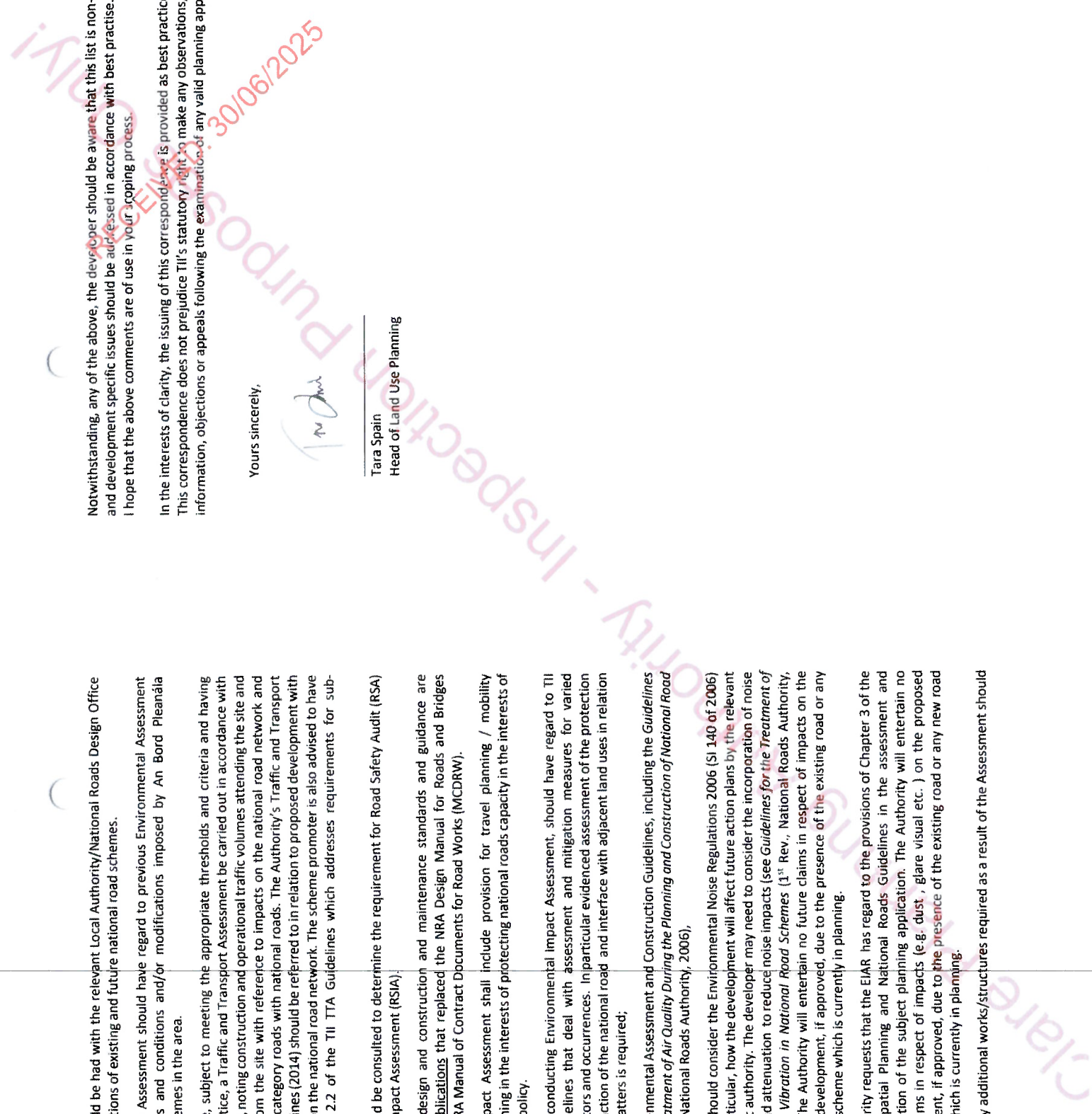
Notwithstanding, any of the above, the developer should be aware that this list is non-exhaustive, thus site and development specific issues should be addressed in accordance with best practice. I hope that the above comments are of use in your ongoing process.

In the interests of clarity, the issuing of this correspondence is provided as best practice guidance only. This correspondence does not prejudice TII's statutory right to make any observations, requests for further information, objections or appeals following the examination of any valid planning application referred.

Yours sincerely,



Tara Spain  
Head of Land Use Planning







# Clare

Settlements with Wastewater Discharge Authorisations -  
Wastewater Treatment Capacity Register

[Connections](#) / [Developer Services](#) / [Capacity Registers](#)  
[Wastewater treatment capacity register](#) / Clare

The spare capacity available to treat additional loads at the treatment plants changes regularly based upon the loads received from new and existing customers. This register is only an indication of available capacity based on available information at the date of issue and is subject to change.

This register cannot be taken as confirmation that capacity is available for a particular development. In all instances if you are considering progressing a development you should contact our Connection and Developer Services team who will provide an up-to-date view, and greater level of detail, in relation to the availability of capacity.

This register provides wastewater treatment capacity information only and does not provide an indication of network capacity. In cases where a new development is planned, we may need to make upgrades to the wastewater network to support the collection of the new load and to mitigate the risk of flooding from occurring to our existing infrastructure. We assess whether the wastewater network can support a new development during the connections process.



Uisce Éireann is required to ensure a connection can be made and capacity is available for your development. All new Connections are subject to Uisce Éireann's Connections Charging Policy and at all times the issue of a connection offer is a matter for the discretion of Uisce Éireann.

Published August 2025

| Region | County | Settlement          | Wastewater Treatment Plant (WWTP) | Reg # | Indication of Available Capacity | WWTP Project Planned/Underway |
|--------|--------|---------------------|-----------------------------------|-------|----------------------------------|-------------------------------|
| S      | Clare  | Ennis               | Ennis North WWTP                  | D0048 | • Green                          | Yes                           |
| S      | Clare  | Ennis               | Clareabbey WWTP                   | D0189 | • Amber                          | Yes                           |
| S      | Clare  | Shannon             | Shannon Town WWTP                 | D0045 | • Green                          |                               |
| S      | Clare  | Sixmilebridge       | Sixmilebridge WWTP                | D0076 | • Green                          |                               |
| S      | Clare  | Newmarket on Fergus | Newmarket on Fergus WWTP          | D0079 | • Green                          | Yes                           |
| S      | Clare  | Killaloe            | Ballina (Tipperary) WWTP          | D0189 | • Green                          | Yes                           |
| S      | Clare  | Scarriff-Tuamgrauey | Scarriff WWTP                     | D0319 | • Green                          |                               |
| S      | Clare  | Ennistimon          | Ennistimon WWTP                   | D0081 | • Amber                          | Yes                           |
| S      | Clare  | Quin                | Quin WWTP                         | D0318 | • Green                          |                               |
| S      | Clare  | Lisdoonvanna        | Lisdoonvanna WWTP                 | D0077 | • Green                          |                               |
| S      | Clare  | Miltown Malbay      | Miltown/Malbay WWTP               | D0321 | • Red                            |                               |
| S      | Clare  | Corofin             | Corofin WWTP                      | D0434 | • Green                          |                               |
| S      | Clare  | Clontlara           | Limerick WWTP                     | D0013 | • Green                          | Yes                           |
| S      | Clare  | Tulla               | Tulla WWTP                        | D0320 | • Amber                          |                               |
| S      | Clare  | Lehinch             | Lahinch WWTP                      | D0080 | • Amber                          | Yes                           |
| S      | Clare  | Kilkeshin           | Kilkeshin WWTP                    | D0420 | • Red                            |                               |
| S      | Clare  | Crusheen            | Crusheen WWTP                     | D0424 | • Green                          |                               |
| S      | Clare  | Doonbeg             | Doonbeg WWTP                      | D0324 | • Amber                          | Yes                           |
| S      | Clare  | Inagh               | Inagh WWTP                        | D0422 | • Green                          |                               |
| S      | Clare  | Ballyvaughan        |                                   | D0327 | • Green                          | Yes <sup>A</sup>              |



|   |       | WWTP                      |                        |       |         |     |
|---|-------|---------------------------|------------------------|-------|---------|-----|
| S | Clare | Liscannor                 | Liscannor WWTP         | D0430 | • Green | Yes |
| S | Clare | Kilkee                    | Kilkee WWTP            | D0078 | • Amber | Yes |
| S | Clare | Kilrush                   | -                      | D0075 | • Green | Yes |
| S | Clare | Limerick City and suburbs | Limerick WWTP          | D0013 | • Green | Yes |
| S | Clare | Ballycanon                | Limerick WWTP          | A0081 | • Amber | Yes |
| S | Clare | Ballynacally              | Ballynacally H.E. WWTP | A0455 | • Green |     |
| S | Clare | Feakle                    | Feakle WWTP            | A0436 | • Green |     |
| S | Clare | Kildysert                 | Kildysert WWTP         | A0454 | • Red   |     |
| S | Clare | Kilfenora                 | Kilfenora WWTP         | A0079 | • Green |     |
| S | Clare | Killimer                  | Killimer WWTP          | A0456 | • Green |     |
| S | Clare | Kilmihil                  | Kilmihil WWTP          | A0091 | • Amber | Yes |
| S | Clare | Mountshannon              | Mountshannon WWTP      | A0064 | • Green |     |
| S | Clare | Whitegate                 | Whitegate WWTP         | A0077 | • Green |     |

## Indication of Available Capacity

This register provides an indication of available wastewater treatment capacity based on loads received in 2023 and available treatment plan capacity now or by completion of a project at construction (where relevant).

- Green = spare capacity available.
- Amber = potential spare capacity, additional analysis of applications may be required on an individual basis considering their specific load requirements. Potential availability of capacity in this case would be dependent on any additional load not resulting in a significant breach of the combined approach as set out in Regulation 43 of the Wastewater Discharge (Authorisation) Regulations 2007, which is a matter for the relevant Planning Authorities to determine
- Red = no spare capacity available at present.

## WWTP Project Planned/Underway

Project planned or underway to increase capacity and/or improve treatment performance, based on available information in December 2024.

Indication of Available Capacity is based on capacity available on completion of a project currently at construction.



- The information in this register has been determined based on a standardised national review of the available information and is subject to change. It is indicative only, non-binding and should not be relied upon.
- This register provides commentary on the available capacity at the WWTP, it does not consider the capacity of the sewer network.
- A Pre-Connection Enquiry should be submitted to Uisce Éireann (UE) to determine the feasibility of connecting any particular site to the UE network, feasibility should not be inferred from this register. Note that a positive response to a Pre-Connection enquiry does not guarantee that a connection can be facilitated in future – an executed Connection Agreement with UE is required to ensure a connection can be made and capacity is available for your development. All new Connections are subject to UE's Connections Charging Policy and at all times the issue of a connection offer is a matter for the discretion of UE.
- Should there be a material change to the indication of available capacity during the course of the year, this will generally be updated in the web version of the register and the relevant Local Authority will be notified.

## Reg #

Wastewater Discharge Authorisation Number

## Contact us

Have a question for us? Get in contact with our team who can help.

Get in contact

| CUSTOMER CARE               | RESOURCES                | COMPANY                 |
|-----------------------------|--------------------------|-------------------------|
| X (Twitter) - @UisceEireann | Freedom of information   | About us                |
| Contact                     | Media publication scheme | Customer commitment     |
|                             | Terms & conditions       | Research and innovation |
|                             | Privacy notice           | Press office            |
|                             | Cookie policy            | Access officer          |
|                             | Manage cookies           | Careers                 |
|                             | Accessibility            | Corporate Governance    |
|                             | Pipe responsibility      | Procurement             |







## CONFIRMATION OF FEASIBILITY

Michael Naughton  
Tobins Consulting Engineers  
Fairgreen House  
Fairgreen Road  
Co. Galway  
H91 AXK8

9 December 2024

**Uisce Éireann**  
Bosca OP 448  
Oifig Sheachadta na  
Cathrach Theas  
Cathair Chorcaí

**Uisce Éireann**  
PO Box 448  
South City  
Delivery Office  
Cork City

[www.water.ie](http://www.water.ie)

**Our Ref: CDS21003780 Pre-Connection Enquiry  
Golf Links Road, Ennis, Clare**

Dear Applicant/Agent,

### **We have completed the review of the Pre-Connection Enquiry.**

Uisce Éireann has reviewed the pre-connection enquiry in relation to a Water & Wastewater connection for a Housing Development of 305 unit(s) at Golf Links Road, Ennis, Clare, (the **Development**).

Based upon the details provided we can advise the following regarding connecting to the networks;

- **Water Connection**
  - Feasible without infrastructure upgrade by Uisce Éireann
  - There is sufficient capacity in the Uisce Éireann assets to facilitate the proposed development.
- **Wastewater Connection**
  - Feasible Subject to upgrades
  - Feasible subject to minor upgrades at the WWTP. A Stage 2 Preliminary Business Case commenced in 2021 to address the above issues to provide capacity for future growth and ensure compliance with the WWDA. Timeframe for completion of the development as well as phasing to be provided at connection application stage. A 300m Approx. network extension is required from the proposed development

**Stiúrthóirí / Directors:** Tony Keohane (Cathaoirleach / Chairman), Niall Gleeson (POF / CEO), Christopher Banks, Fred Barry, Gerard Britchfield, Liz Joyce, Patricia King, Eileen Maher, Cathy Mannion, Michael Walsh.

**Oifig Chiáráithe / Registered Office:** Teach Colvill, 24-26 Sráid Thalbóid, Baile Átha Cliath 1, D01 NP86 / Colvill House, 24-26 Talbot Street, Dublin, Ireland D01NP86

Is cuideachta ghníomhaíochta ainmnithe atá faoi theorainn scaireanna é Uisce Éireann / Uisce Éireann is a design activity company, limited by shares. Cláráithe in Éirinn Uimh.: 530363 / Registered in Ireland No.: 530363.



to the existing UE foul sewer by way of pumped solution (WWPS) & rising main (as per developer proposal). Connection to be made to gravity sewer (minimum 300mm). 24-hr storage and real time controls to limit pumping as hydraulic issues exist downstream will be required.

The Developer shall provide design details of the pump design flow rates, emergency storage provisions etc. for agreement with UE Asset Planning team. The location of real time control shall be agreed with the UE Asset Planning team and UE Operations at connection application stage.

This letter does not constitute an offer, in whole or in part, to provide a connection to any Uisce Éireann infrastructure. Before the Development can be connected to our network(s) you must submit a connection application and be granted and sign a connection agreement with Uisce Éireann.

As the network capacity changes constantly, this review is only valid at the time of its completion. As soon as planning permission has been granted for the Development, a completed connection application should be submitted. The connection application is available at [www.water.ie/connections/get-connected/](http://www.water.ie/connections/get-connected/)

### **Where can you find more information?**

- **Section A** - What is important to know?
- **Section B** - Details of Uisce Éireann's Network(s)

**This letter is issued to provide information about the current feasibility of the proposed connection(s) to Uisce Éireann's network(s). This is not a connection offer and capacity in Uisce Éireann's network(s) may only be secured by entering into a connection agreement with Uisce Éireann.**

For any further information, visit [www.water.ie/connections](http://www.water.ie/connections), email [newconnections@water.ie](mailto:newconnections@water.ie) or contact 1800 278 278.

Yours sincerely,



D Phelan

**Dermot Phelan**  
**Connections Delivery Manager**

Clare Planning Authority - Inspection Purposes Only



Page 1 of 1



## Section A - What is important to know?

| What is important to know?                                    | Why is this important?  |
|---|---|
| <b>Do you need a contract to connect?</b>                     | <ul style="list-style-type: none"> <li>• Yes, a contract is required to connect. This letter does not constitute a contract or an offer in whole or in part to provide a connection to Uisce Éireann's network(s).</li> <li>• Before the Development can connect to Uisce Éireann's network(s), you must submit a connection application <u>and be granted and sign</u> a connection agreement with Uisce Éireann.</li> </ul> |
| <b>When should I submit a Connection Application?</b>         | <ul style="list-style-type: none"> <li>• A connection application should only be submitted after planning permission has been granted.</li> </ul>   |
| <b>Where can I find information on connection charges?</b>    | <ul style="list-style-type: none"> <li>• Uisce Éireann connection charges can be found at: <a href="https://www.water.ie/connections/information/charges/">https://www.water.ie/connections/information/charges/</a></li> </ul>   |
| <b>Who will carry out the connection work?</b>                | <ul style="list-style-type: none"> <li>• All works to Uisce Éireann's network(s), including works in the public space, must be carried out by Uisce Éireann*.</li> </ul> <p>*Where a Developer has been granted specific permission and has been issued a connection offer for Self-Lay in the Public Road/Area, they may complete the relevant connection works</p>  |
| <b>Fire flow Requirements</b>                                 | <ul style="list-style-type: none"> <li>• The Confirmation of Feasibility does not extend to fire flow requirements for the Development. Fire flow requirements are a matter for the Developer to determine.</li> <li>• <b>What to do?</b> - Contact the relevant Local Fire Authority</li> </ul>  |
| <b>Plan for disposal of storm water</b>                       | <ul style="list-style-type: none"> <li>• The Confirmation of Feasibility does not extend to the management or disposal of storm water or ground waters.</li> </ul>  |
|   | <ul style="list-style-type: none"> <li>• <b>What to do?</b> - Contact the relevant Local Authority to discuss the management or disposal of proposed storm water or ground water discharges.</li> </ul>   |
| <b>Where do I find details of Uisce Éireann's network(s)?</b> | <ul style="list-style-type: none"> <li>• Requests for maps showing Uisce Éireann's network(s) can be submitted to: <a href="mailto:datarequests@water.ie">datarequests@water.ie</a></li> </ul>  |



|  |  |
|--|--|
| <b>What are the design requirements for the connection(s)?</b> | <ul style="list-style-type: none"><li>• The design and construction of the Water &amp; Wastewater pipes and related infrastructure to be installed in this Development shall comply with <i>the Uisce Éireann Connections and Developer Services Standard Details and Codes of Practice</i>, available at <a href="http://www.water.ie/connections">www.water.ie/connections</a></li></ul>   |
| <b>Trade Effluent Licensing</b>                                | <ul style="list-style-type: none"><li>• Any person discharging trade effluent** to a sewer, must have a Trade Effluent Licence issued pursuant to section 16 of the Local Government (Water Pollution) Act, 1977 (as amended).</li><li>• More information and an application form for a Trade Effluent License can be found at the following link:<br/><a href="https://www.water.ie/business/trade-effluent/about/">https://www.water.ie/business/trade-effluent/about/</a></li></ul> <p>**trade effluent is defined in the Local Government (Water Pollution) Act, 1977 (as amended)</p> |

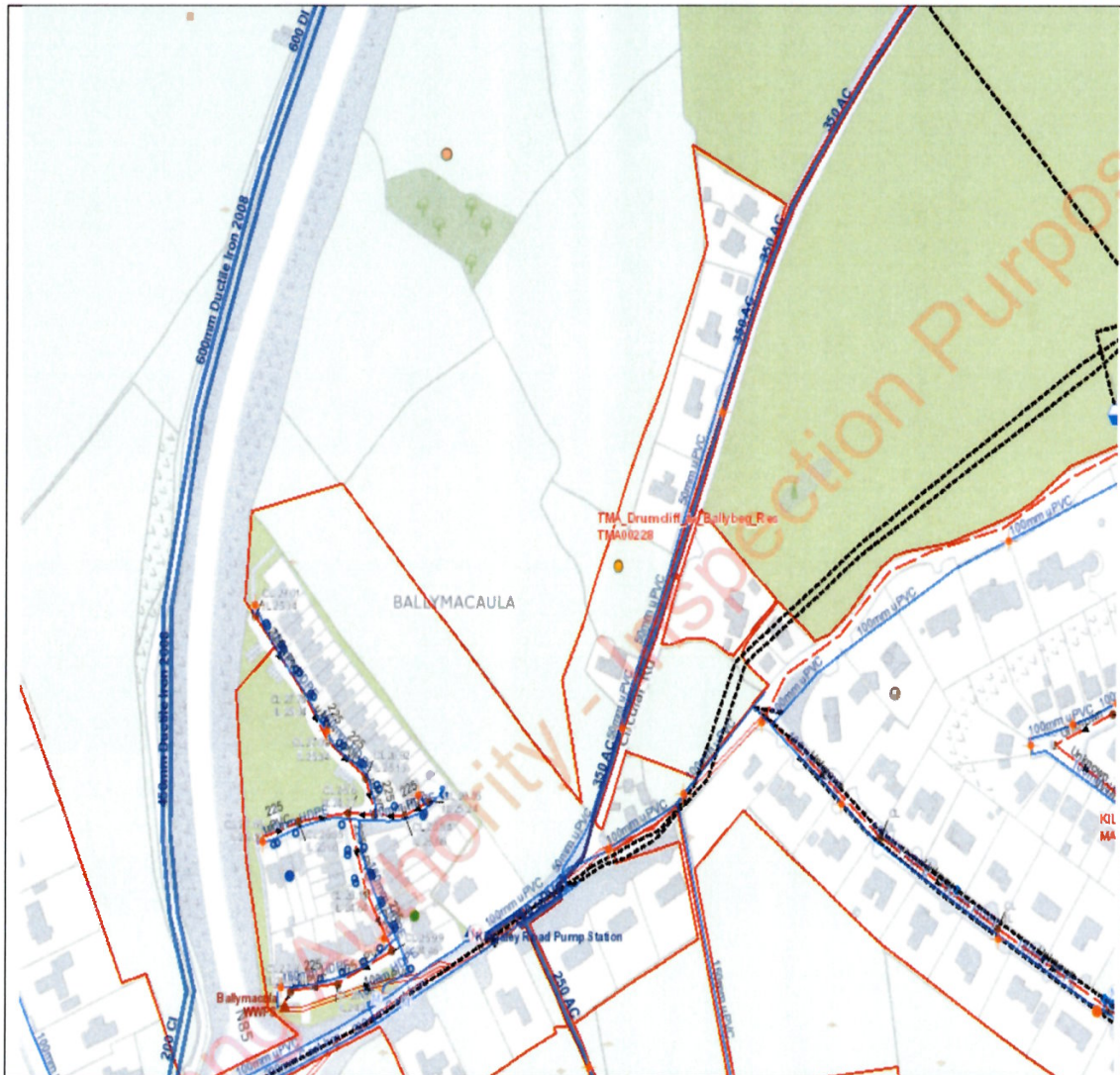
Clare Planning Authority - Inspection Purpose Only



## Section B – Details of Uisce Éireann’s Network(s)

The map included below outlines the current Uisce Éireann infrastructure adjacent the Development: To access Uisce Éireann Maps email

[datarequests@water.ie](mailto:datarequests@water.ie)



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**Note:** The information provided on the included maps as to the position of Uisce Éireann’s underground network(s) is provided as a general guide only. The information is based on the best available information provided by each Local Authority in Ireland to Uisce Éireann.

Whilst every care has been taken in respect of the information on Uisce Éireann’s network(s), Uisce Éireann assumes no responsibility for and gives no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided, nor does it accept any liability whatsoever arising from or out of any errors or omissions. This information



should not be solely relied upon in the event of excavations or any other works being carried out in the vicinity of Uisce Éireann's underground network(s). The onus is on the parties carrying out excavations or any other works to ensure the exact location of Uisce Éireann's underground network(s) is identified prior to excavations or any other works being carried out. Service connection pipes are not generally shown but their presence should be anticipated.

Clare Planning Authority - Inspection Purposes Only



# Clare

Settlements with Wastewater Discharge Authorisations -  
Wastewater Treatment Capacity Register

[Connections](#) / [Developer Services](#) / [Capacity Registers](#)  
[Wastewater treatment capacity register](#) / Clare

The spare capacity available to treat additional loads at the treatment plants changes regularly based upon the loads received from new and existing customers. This register is only an indication of available capacity based on available information at the date of issue and is subject to change.

This register cannot be taken as confirmation that capacity is available for a particular development. In all instances if you are considering progressing a development you should contact our Connection and Developer Services team who will provide an up-to-date view, and greater level of detail, in relation to the availability of capacity.

This register provides wastewater treatment capacity information only and does not provide an indication of network capacity. In cases where a new development is planned, we may need to make upgrades to the wastewater network to support the collection of the new load and to mitigate the risk of flooding from occurring to our existing infrastructure. We assess whether the wastewater network can support a new development during the connections process.



Eireann is required to ensure a connection can be made and capacity is available for your development. All new Connections are subject to UE's Connections Charging Policy and at all times the issue of a connection offer is a matter for the discretion of UE.

Published August 2025

| Region | County | Settlement          | Wastewater Treatment Plant (WWTP) | Reg. # | Indication of Available Capacity | WWTP Project Planned/Underway |
|--------|--------|---------------------|-----------------------------------|--------|----------------------------------|-------------------------------|
| S      | Clare  | Ennis               | Ennis North WWTP                  | D0048  | • Green                          | Yes                           |
| S      | Clare  | Ennis               | Clareabbey WWTP                   | D0189  | • Amber                          | Yes                           |
| S      | Clare  | Shannon             | Shannon Town WWTP                 | D0045  | • Green                          |                               |
| S      | Clare  | Sixmilebridge       | Sixmilebridge WWTP                | D0076  | • Green                          |                               |
| S      | Clare  | Newmarket on Fergus | Newmarket on Fergus WWTP          | D0079  | • Green                          | Yes                           |
| S      | Clare  | Killaloe            | Ballina (Tipperary) WWTP          | D0189  | • Green                          | Yes                           |
| S      | Clare  | Scarrif-Tuamgraney  | Scarrif WWTP                      | D0319  | • Green                          |                               |
| S      | Clare  | Ennistimon          | Ennistimon WWTP                   | D0081  | • Amber                          | Yes                           |
| S      | Clare  | Quir                | Quin WWTP                         | D0318  | • Green                          |                               |
| S      | Clare  | Lisdoonvanna        | Lisdoonvanna WWTP                 | D0077  | • Green                          |                               |
| S      | Clare  | Miltown Malbay      | Miltown/Malbay WWTP               | D0321  | • Red                            |                               |
| S      | Clare  | Corofin             | Corofin WWTP                      | D0434  | • Green                          |                               |
| S      | Clare  | Clonlara            | Limerick WWTP                     | D0013  | • Green                          | Yes                           |
| S      | Clare  | Tulla               | Tulla WWTP                        | D0320  | • Amber                          |                               |
| S      | Clare  | Lehinch             | Lahinch WWTP                      | D0080  | • Amber                          | Yes                           |
| S      | Clare  | Killeshin           | Killeshin WWTP                    | D0420  | • Red                            |                               |
| S      | Clare  | Crusheen            | Crusheen WWTP                     | D0424  | • Green                          |                               |
| S      | Clare  | Doonbeg             | Doonbeg WWTP                      | D0324  | • Amber                          | Yes                           |
| S      | Clare  | Inagh               | Inagh WWTP                        | D0422  | • Green                          |                               |
| S      | Clare  | Ballyvaughan        |                                   | D0327  | • Green                          | Yes <sup>A</sup>              |



| WWTP |       |                           |                        |       |         |     |
|------|-------|---------------------------|------------------------|-------|---------|-----|
| S    | Clare | Liscannor                 | Liscannor WWTP         | D0430 | • Green |     |
| S    | Clare | Kilkee                    | Kilkee WWTP            | D0078 | • Amber | Yes |
| S    | Clare | Kilrush                   | -                      | D0075 | • Green | Yes |
| S    | Clare | Limerick City and suburbs | Limerick WWTP          | D0013 | • Green | Yes |
| S    | Clare | Ballycannon               | Limerick WWTP          | A0081 | • Amber | Yes |
| S    | Clare | Ballynacally              | Ballynacally H.E. WWTP | A0455 | • Green |     |
| S    | Clare | Feakle                    | Feakle WWTP            | A0436 | • Green |     |
| S    | Clare | Kildysert                 | Kildysert WWTP         | A0454 | • Red   |     |
| S    | Clare | Kilfenora                 | Kilfenora WWTP         | A0079 | • Green |     |
| S    | Clare | Killimer                  | Killimer WWTP          | A0456 | • Green |     |
| S    | Clare | Kilminihill               | Kilminihill WWTP       | A0091 | • Amber | Yes |
| S    | Clare | Mountshannon              | Mountshannon WWTP      | A0064 | • Green |     |
| S    | Clare | Whitegate                 | Whitegate WWTP         | A0077 | • Green |     |

## Indication of Available Capacity

This register provides an indication of available wastewater treatment capacity based on loads received in 2023 and available treatment plan capacity now or by completion of a project at construction (where relevant).

• **Green** = spare capacity available.

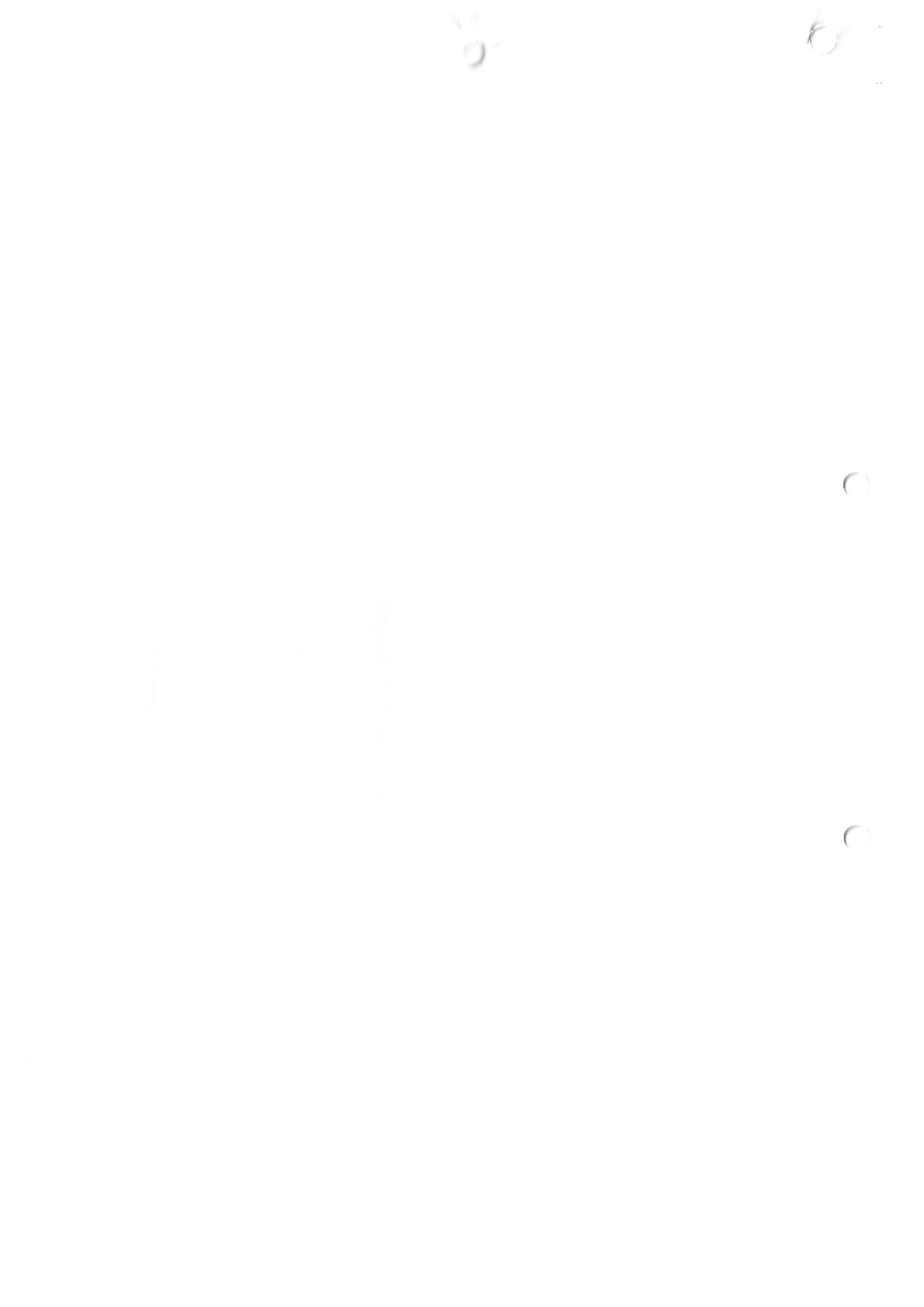
• **Amber** = potential spare capacity, additional analysis of applications may be required on an individual basis considering their specific load requirements. Potential availability of capacity in this case would be dependent on any additional load not resulting in a significant breach of the combined approach as set out in Regulation 43 of the Wastewater Discharge (Authorisation) Regulations 2007, which is a matter for the relevant Planning Authorities to determine

• **Red** = no spare capacity available at present.

## WWTP Project Planned/Underway

Project planned or underway to increase capacity and/or improve treatment performance, based on available information in December 2024.

\*Indication of Available Capacity is based on capacity available on completion of a project currently at construction.





- The information in this register has been determined based on a standardised national review of the available information and is subject to change. It is indicative only, non-binding and should not be relied upon.
- This register provides commentary on the available capacity at the WWTP, it does not consider the capacity of the sewer network.
- A Pre-Connection Enquiry should be submitted to Uisce Éireann (UE) to determine the feasibility of connecting any particular site to the UE network, feasibility should not be inferred from this register. Note that a positive response to a Pre-Connection enquiry does not guarantee that a connection can be facilitated in future – an executed Connection Agreement with UE is required to ensure a connection can be made and capacity is available for your development. All new Connections are subject to UE's Connections Charging Policy and at all times the issue of a connection offer is a matter for the discretion of UE.
- Should there be a material change to the indication of available capacity during the course of the year, this will generally be updated in the web version of the register and the relevant Local Authority will be notified.

## Reg #

Wastewater Discharge Authorisation Number

## Contact us

Have a question for us? Get in contact with our team who can help.

Get in contact

| CUSTOMER CARE        | RESOURCES                | COMPANY                 |
|----------------------|--------------------------|-------------------------|
| X (Twitter) @IWClare | Freedom of information   | About us                |
| Contact              | Model publication scheme | Customer contribution   |
|                      | Terms & conditions       | Research and innovation |
|                      | Privacy notice           | Press office            |
|                      | Cookie policy            | Access officer          |
|                      | Manage cookies           | Chairs                  |
|                      | Accessibility            | Corporate Governance    |
|                      | Pipe responsibility      | Procurement             |

YOUR WATER

YOUR PREFERENCES

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# Submission Details

## Submitter

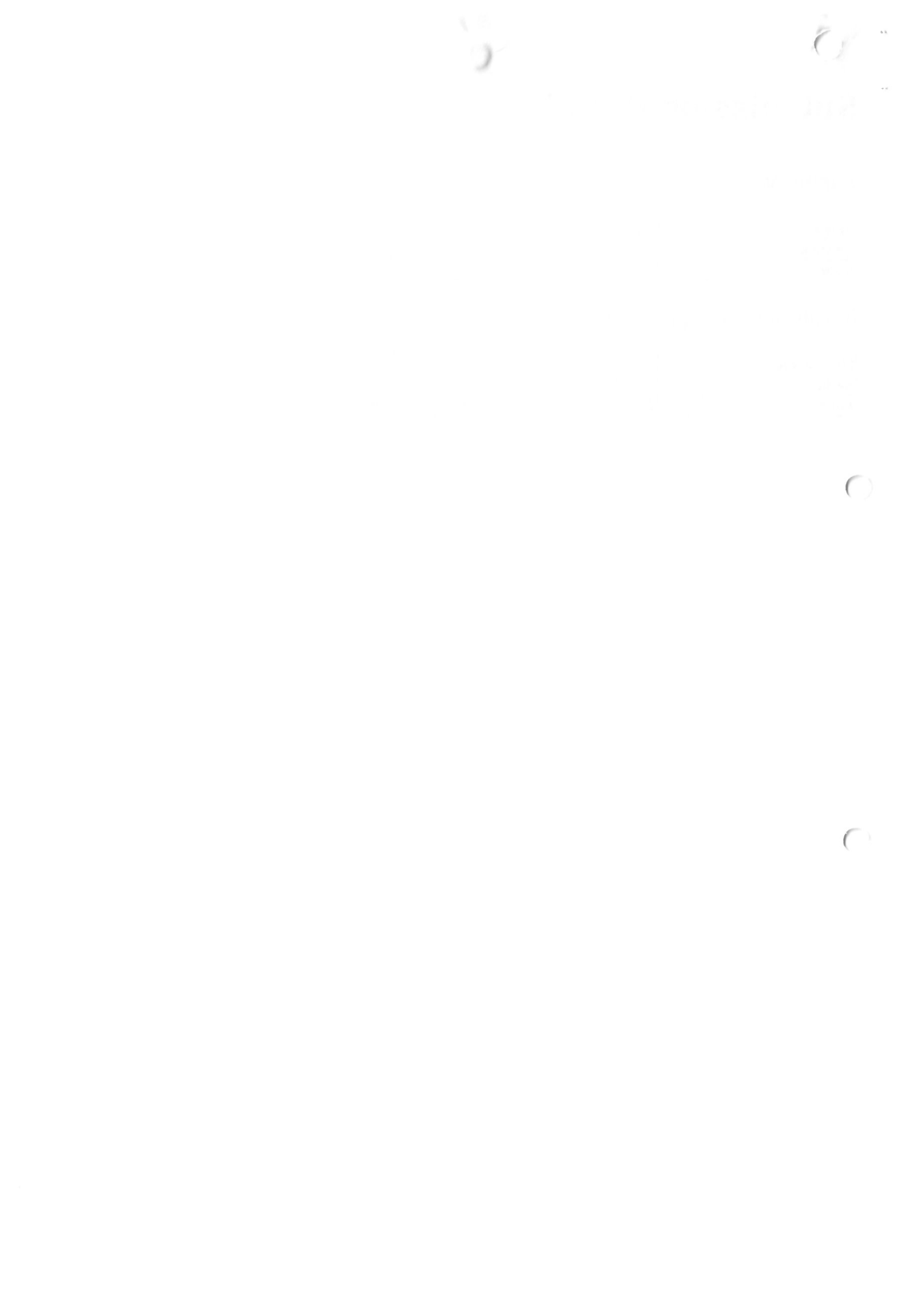
|                |                                |
|----------------|--------------------------------|
| <b>Name</b>    | Uisce Eireann                  |
| <b>Address</b> | PO Box 6000, Dublin 1 Ireland. |
| <b>Note</b>    |                                |

## In relation to application

|                    |   |
|--------------------|---|
| <b>File Number</b> | 2560393   |
| <b>Name</b>        | Ltd Glenveagh Homes   |
| <b>Address</b>     | Ballymacaula, Drumbiggle, Keelty, Circular Road, Ennis, Co. Clare |

RECEIVED: 01/08/2025

Clare Planning Authority - Inspection Purposes Only



**Uisce Éireann Ref:** PN25000026626  
**Planning Ref:** 2560393  
**Planning Authority:** Clare County Council  
**Issue Date:** 1 August 2025

**Uisce Éireann**  
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Ireland

**T:** +353 1 89 25000  
**F:** +353 1 89 25001  
**www.water.ie**

**Development Location:**

Ballymacaula, Drumbiggle,, Keelty, Circular Road,, Ennis, Co. Clare

**Development Description:**

for a Large-Scale Residential Development (LRD) at this site at Ballymacaula, Drumbiggle, Keelty, Circular Road, Ennis, Co. Clare. The development will consist of 1. The construction of 300 no. houses comprising 14 no. 1 beds, 91 no. 2 beds, 164 no. 3 beds, and 31 no. 4 beds; 2. 1 no. creche/childcare facility; 3. The provision of landscaping, open space and amenity areas, including a linear amenity walkway, footpaths, cycleways and play areas; 4. The provision of 3 no. pedestrian connections to the existing public footpath along the N85, 2 no. pedestrian connections into Ballymacaula View Estate, improvements/upgrades to the pedestrian footpaths along Circular Road including a raised pedestrian crossing and pedestrian footpath provision along part of the Drumbiggle and Cahercalla Roads; 5. All associated infrastructure and services including 1 no. vehicular access onto Circular Road, car and bicycle parking, bin storage, lighting, 3 no. ESB substations, drainage, 1 no. pumping station, boundary treatments. An Environmental Impact Assessment Report and a Natura Impact Statement have been prepared in respect of the proposed development. The application may be inspected online at the following website set up by the applicant: [www.ennislrd.ie](http://www.ennislrd.ie)

A Chara,

Please accept this submission in respect to the above-referenced planning application. Uisce Éireann (UÉ) has reviewed the plans and particulars submitted with the application and have the following observation(s).

**Uisce Éireann's Assessment/Observation(s):**

Uisce Éireann (UÉ) has reviewed the plans and particulars submitted with the application and has the following observations:



Uisce Éireann notes the applicant's engagement with a pre-connection enquiry process, which resulted in the issuance of a confirmation of feasibility (COF) for the proposed development on the 9<sup>th</sup> of December 2024 (reference: CDS21003780).

This statement confirms the feasibility to connect to Uisce Éireann's water services, with sufficient network capacity to facilitate this development

Separate to this, the COF report also states that wastewater connection will also require a Feasible subject to minor upgrades at the WWTP. A Stage 2 Preliminary Business Case commenced in 2021 to address the above issues to provide capacity for future growth and ensure compliance with the WWDA. Timeframe for completion of the development as well as phasing are to be provided at connection application stage.

In addition, an approximately 300m network extension is required from the proposed development to the existing UE foul sewer, including a pump station & rising main (as per developer proposal). Connection is to be made to gravity sewer (minimum 300mm). 24-hr storage and real time controls to limit pumping as hydraulic issues exist downstream will also be required

Uisce Éireann acknowledges the applicant has submitted finalised designs and has been issued of a statement of design acceptance (SODA) on the 18<sup>th</sup> of June 2025. These designs outline the necessary infrastructure upgrades described in the COF to facilitate connections from the development to Uisce Éireann water and wastewater networks, to be undertaken by the applicant as self-lay works.

#### **Uisce Éireann's recommendations:**

Uisce Éireann respectfully requests any grant be conditioned on the following:

1. The applicant shall enter into a Connection Agreements with Uisce Éireann to provide for a service connection(s) to the public wastewater collection network and adhere to the standards and conditions set out in that agreement.
2. All development shall be carried out in compliance with Uisce Éireann's *Standard Details and Codes of Practice*.
3. Where a diversion of Uisce Éireann assets is proposed, the applicant shall enter into a Diversion Agreement with Uisce Éireann for the diversion of the impacted wastewater sewer prior to any works commencing and adhere to the standards and conditions set out in that agreement.

Reason: To provide adequate water and wastewater facilities and protect existing public infrastructure.

Queries relating to the terms and observations above should be directed to [planning@water.ie](mailto:planning@water.ie)

Dermot Phelan,

Connections Delivery Manager



Uisce Éireann is a statutory consultee under the Planning and Development Act 2000 (as amended). Uisce Éireann's job is to deliver the highest quality drinking water to taps every day and ensure that wastewater is properly treated and safely returned to the environment. To ensure the satisfactory completion of a development, any permission, approval, or consent granted pursuant to the Planning and Development Act 2000 (as amended) that requires a new connection(s) to water services should include a condition that requires the applicant or developer to enter into a connection agreement(s) with Uisce Éireann prior to the commencement of development. Any person discharging trade effluent to a sewer, must have a Trade Effluent Licence issued pursuant to section 16 of the Local Government (Water Pollution) Act, 1977 (as amended). Trade effluent is defined in the Local Government (Water Pollution) Act, 1977 (as amended).

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

Furthermore, it is noted that regular audits are essential to identify any discrepancies or errors in the accounting system. By conducting these audits frequently, potential issues can be resolved before they become significant problems.

The document also highlights the need for clear communication between all parties involved in the financial process. This includes providing timely updates to stakeholders and ensuring that everyone has access to the necessary information.

In conclusion, the document stresses that a robust accounting system is crucial for the long-term success of any organization. It provides a clear framework for how to implement and maintain such a system effectively.

The second part of the document focuses on the implementation of internal controls. These controls are designed to prevent fraud and ensure the integrity of the financial data. Key elements include segregation of duties, which ensures that no single individual has control over all aspects of a transaction.

Another important control is the requirement for dual authorization for all significant transactions. This means that two different individuals must approve any transaction above a certain threshold, reducing the risk of unauthorized actions.

The document also discusses the importance of physical controls, such as securing cash and assets. This involves limiting access to these resources and ensuring that they are properly stored and protected.

Overall, the document provides a comprehensive overview of the various components of an effective accounting system. It offers practical advice and best practices that can be applied to a wide range of organizations.

The final part of the document addresses the role of technology in modern accounting. It discusses how software solutions can streamline the accounting process and reduce the risk of human error. Cloud-based systems, in particular, offer the advantage of real-time data access and collaboration.

However, the document also warns of the potential risks associated with technology, such as data breaches and system downtime. It emphasizes the need for strong cybersecurity measures and regular software updates to mitigate these risks.

In summary, the document provides a thorough and practical guide to accounting. It covers everything from basic record-keeping to advanced internal controls and the integration of technology. It is a valuable resource for anyone looking to improve their financial management practices.

DANIEL OWENS B.Sc.

Consultant  
Cherry Fields,  
Ewenny,  
Bridgend,  
Wales.

## Report for LRD appeal commissioned by Michael Duffy

### Ennis North Drainage Area Plan Stage 1 Report (January 2024)

This report describes the sewer network upstream of the Clonroadmore (Ennis North) WwTP.

Information that describes the network has been taken directly from this report.

#### Pumping Stations

*There are 30 pumping stations identified in the Ennis North agglomeration. These have been sourced from the Uisce Eireann's GIS, InfoAsset file and consultation with stakeholders.*

*All flows from the agglomeration are received at Francis Street WwPS or Tulla Road WwPS before being pumped across to Clonroadmore WwTW.*

A total of 7 WwPS are known to have Emergency Overflows (EO); Francis St. has an EO.

| Number | Pump Station ID      | WwPS Name     | EO Present |
|--------|----------------------|---------------|------------|
| 1      | Riverside            | Riverside     | Yes        |
| 2      | Industrial Estate PS | SR33796004    | Yes        |
| 3      | Gort Road PS         | SR33787404    | Yes        |
| 4      | Glassan              | SR32789201    | Yes        |
| 5      | Francis St           | SR34773602    | Yes        |
| 6      | Caherlla WwPS        | Caherlla WwPS | Yes        |
| 7      | Ballyalla PS         | Ballyalla PS  | Yes        |



## Storm Water Overflows

*Interrogation of the InfoAsset database identified 6 functional SWO/EOs in the Ennis North agglomeration.*

It should be noted that an EO can act as a Storm water overflow (SWO). A survey of the pumping station would be necessary to confirm the exact overflow configuration.

| Number | SWO location                   | Outfall ST |
|--------|--------------------------------|------------|
| 1      | Ennis North Ballyallia Main PS | SR34804508 |
| 2      | Cronroad WwTP                  | SR34778403 |
| 3      | Upstream of Francis St WwPS    | SR34773705 |
| 4      | Clonroad WwTP Overflow Tank 1  | SR34778403 |
| 5      | Francis St WwPS                |            |
| 6      | Tulla Rd WwPS                  | SR34776901 |

## Future Developments

*It is believed that the network is working close to capacity restricting much future development.*

### Network Schematic

The network schematic shows that there are 3 known overflows upstream of the Francis St. WwPS. Francis St WwPS also has an overflow. Francis St WwPS pumps directly to the Clonroad WwTP.

The network schematic shows that the Glassan WwPS overflows to the network (rather than a receiving water).

The network schematic shows that there are 3 known overflows upstream of the Tulla Rd WwPS. Tulla Rd WwPS also has an overflow. Tulla Rd WwPS pumps directly to the Clonroad WwTP.



JUDGMENT of Ms. Justice Emily Farrell delivered the 30<sup>th</sup> day of December 2025

*Letter from Uisce Éireann*

17. As set out in Core Ground 3, the Applicant claims that the application for permission was invalid, contrary to Article 297 of the Planning and Development Regulations 2001, because a letter from Uisce Éireann purporting to confirm “capacity” of the Ennis sewer system did not in fact do so. Article 297(2)(d) of the 2001 Regulations stipulates that, where the developer proposes to connect to the Uisce Éireann water network, it must provide “evidence that Irish Water has confirmed that it is feasible to provide the appropriate service or services and that the relevant water network or networks have the capacity to service the development.”

18. The letter from Uisce Éireann, dated 26th November 2021, provided by the developer stated: “Irish Water has reviewed your pre-connection enquiry in relation to a Water & Wastewater connection at Golf Links Road, Ennis, Clare (the Premises). Based upon the details you have provided with your pre-connection enquiry and on our desk top analysis of the capacity currently available in the Irish Water network(s) as assessed by Irish Water, we wish to advise you that your proposed connection to the Irish Water network(s) can be facilitated at this moment in time.

*Wastewater Connection*

*Feasible subject to minor upgrades at the WWTP. WW network extension required with likely upgrades of the existing Irish Water owned pumping station and rising main also required. Further details can be discussed prior to connection application stage.*

31. The submissions of Uisce Éireann dated 28th September 2022, confirmed that it had reviewed the plans and particulars submitted for the proposed development and that, based on the details provided by the developer, and on the capacity available in the local networks, it had the following observations:

*“In respect of Water: There is sufficient capacity in the Irish Water assets to facilitate the proposed development.*

*In respect of Wastewater:*

*There is sufficient capacity at the Wastewater Treatment Plan to facilitate the proposed development. In order to accommodate the proposed wastewater connection to Irish Water network, the following works are required:*

- *Minor upgrades at the wastewater treatment plant will be required to enable this development. These upgrades are expected to be delivered as part of Irish Waters Capital Investment Plan (CIP) for the region.*
- *A network extension will be required to connect to the Irish Water wastewater network. These extension works, which take place within the public domain, are not currently on Irish Waters investment plan and therefore the applicant will be required to fund these local network upgrades.*
- *The Drainage Area Plan (DAP) for the area has commenced, the final findings/outputs from the DAP will inform the Capital Needs Assessment at (CNA) at connection application stage. These works are expected to be progressed in 2022/2023 (subject to change).*



## Ennis North SVR 2023

Date of inspection 13/07/2023

### Summary

Waste water discharges from Ennis North were identified during the characterisation for the third cycle of Ireland's River Basin Management Plan as a significant pressure on the Fergus putting it at risk of not meeting its environmental objective of good status. Discharges from storm water overflow outlets on the collecting system are a significant pressure and adversely impacting the Fergus as identified in the Water Framework Directive Characterisation Assessment.

Storm water overflows are a significant pressure impacting this receiving water. There is a lack of information on the frequency of discharge of many of the overflows in this agglomeration. There are also outstanding specified improvements in relation to the rehabilitation of the sewer network.

### 2. Inlet Works

Based on the data submitted by Uisce Éireann prior to the site visit for 2022, for 133 of the 360 days reported, there was a storm water discharge via SW2. The 2022 AER reports that a total of 458,391 m<sup>3</sup> discharged via SW2 in 2022. From the data, it is clear that this SWO discharges untreated effluent almost daily in the winter.

### 6. Pump Station

1. The Ballyallia pump station was inspected. It is designed as an Emergency Overflow. This station is in place approximately twenty years. It also acts as an emergency overflow. No flow monitoring of storm water takes place at the outfall point. It was highlighted that any overflow here would likely be storm water only.

2. The Francis Street pump station also acts as an Emergency overflow. It has three foul pumps. There are four storm pumps at this station. There is no flow monitoring on what volume of combined sewer overflow is going to storm water overflow point.

### 8. Site Specific Issues

No flow meters exist on any SWO outfalls apart from SW2 which is located at the WWTP.

The Licensee reported a volume of 458,391 m<sup>3</sup> of sewage discharged via monitored SWOs in the agglomeration for 2022, in the 2022 AER. This volume is for SW2 only as no other SWOs within the agglomeration are monitored.

---

## Glenveagh Homes Limited

The development requires a foul sewer connection to the existing network upstream of the Francis St. WwPS.

The development includes a pumping station with 24 hours of storage capacity. Design foul flow is estimated at 147m<sup>3</sup> per day.



## Opinion

It is incorrect for Uisce Eireann to state that the sewer network and the WwTP has sufficient hydraulic capacity for the development. Whilst it appears that capacity would exist mainly during dry weather summer periods with low groundwater levels. During periods of high rainfall and throughout the winter period with high groundwater levels there is insufficient hydraulic capacity.

In order for the hydraulic assessment to be made, the stage 2 DAP would need to be completed along with flow monitoring of overflows at Francis St WwPS.

There is a total of 8 SWO/EO that can operate as overflows upstream of the Clonroad WwTP. None of these overflows have flow monitoring and so the volume and frequency of storm overflows in the network is unknown.

The only monitored SWO is at the WwTP and data shows that in 2022 a total of 458,391 m<sup>3</sup> of storm sewage was discharged. Storm water discharges occurred for 133 of 360 monitored days during 2022, this equates to 36.9% of days. Thus, the daily average storm overflow was 3446m<sup>3</sup> for the 133 days when storm overflows occurred at the treatment works in 2022. Thus, it appears that the treatment works is operating at full flow to treatment (FFT) for extended periods as there is no capacity to return storm sewage to treatment and empty (or reduce the levels) in the 2 storm tanks.

There is an overflow at Francis St WwPS and there are a further 3 overflows upstream of this WwPS.

The scenario therefore exists that during periods of heavy rainfall the Francis St WwPS overflows storm sewage to the R. Fergus and/or the Clonroad WwTP storm tanks also overflow to the R. Fergus. This storm overflow particularly from the Francis St WwPS will include a proportion of the foul flow from the development.

The development includes for 24 hours of foul sewage storage. This has the potential to reduce the hydraulic impact on the Francis St WwPS during wet weather. However, infiltration during the winter and on the days following a storm event is likely to result in overflows continuing at the Francis St WwPS and the Clonroad WwTP.



**To: Secretary**  
**Planning Section**  
**Clare County Council,**  
**Ennis,**  
**Co. Clare.**

**Submission/Observation on Application**  
**P25/60393 of Glenveagh Homes Ltd.**

For

a Large-Scale Residential Development (LRD) at this site at Ballymacaula, Drumbiggle, Keelty,  
Circular Road, Ennis, Co. Clare.

By

**Michael J. Duffy. CEng. MIEI**

**Consulting Chartered Civil Engineer**

1 Clòs Na hEaglaise,

Kilfenora,

Co. Clare.

065 7088088

086 2557258

[Duffycivileng@gmail.com](mailto:Duffycivileng@gmail.com)

**14<sup>th</sup> December 2025**



A Chara,

I wish to make the following submission on a further information response in application 2560393 of Glenveagh Homes Ltd.

I wish to make submissions on the following responses to the RFI submitted.

RFI 4(d) The NIS to be revised to show remaining capacity of wwtp or any assessment taking into account the design capacity of the plant and the hydraulic loading, the status of the receiving environment associated with the wwtp, or any assessment as to the potential for cumulative or in-combination effects in a comprehensive manner, along with the upgrade works required to facilitate the development. The updated NIS should address the points raised by submissions and should utilise the most recent AER for the associated plant to inform the appropriate assessment.

RFI 5. Assessment of rock-breaking.

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## **1. Wastewater Treatment Capacity:**

RFI 4(d) sought the “NIS to be revised to show remaining capacity of wwtp or any assessment taking into account the design capacity of the plant and the hydraulic loading, the status of the receiving environment associated with the wwtp, or any assessment as to the potential for cumulative or in-combination effects in a comprehensive manner, along with the upgrade works required to facilitate the development. The updated NIS should address the points raised by submissions and should utilise the most recent AER for the associated plant to inform the appropriate assessment”.

### **1.1. CDP Objective:**

Objective 4.1 of the County Development Plan states that it is an objective of Clare County Council:

*m) To monitor the cumulative effect of grants of planning permission on available wastewater capacity where connection to a public wastewater treatment plant is included as part of a development proposal;*

While no reflection on the Planner, it is not appropriate for the PA to delegate this task to the subjective assessment of an applicant. The applicant has a duty to provide data on likely in-combination and cumulative effects on Natura 2000 sites in its NIS. The CDP objective should clearly be an in-house assessment the PA should be carrying out. The problem with this policy is that nobody knows the actual loading on this wwtp.

### **1.2. RFI 4(d) Response:**

The 4(d) RFI response is addressed in the updated NIS dated 16th October 2025 in a *de minimis* and subjective manner. It claims a revised assessment has been carried out, incorporating the requested elements based on the most up to date Uisce Eireann Annual Environmental Report (AER). This is given as the 2023 AER. However the requirement is that the AER for the previous year is published by March the following year. It is now December 2025 so the 2024 AER should be informing this appropriate assessment.



The updated NIS at Table 3 indicates Ennis North Wastewater Plant Capacity vs Utilisation (2023)

| Category       | Design Capacity                   | Current Load                            | Remaining Headroom                     | Hydraulic (volumetric)    |
|----------------|-----------------------------------|---|--|---------------------------|
|                | 16,272 m <sup>3</sup> /day (peak) | 11,996 m <sup>3</sup> /day (annual max) | 10,557.1 m <sup>3</sup> /day (average) | 4,276 m <sup>3</sup> /day |
| Organic (P.E.) | 31,500 P.E.                       | 24,659 P.E. (peak week)                 | 6,841 P.E.                             | 26.3 %                    |

It gives the hydraulic design capacity for the plant at 16,272m<sup>3</sup>/d which equates to a PE of 72,320 and is clearly incorrect.

It claims a max daily loading of 11,996 m<sup>3</sup>/d and annual average of 10,557m<sup>3</sup>/d. These are not the correct parameters to determine the loading on a wwtp which is defined in the Urban Wastewater Directive 91 /271 /EEC as;

*Article 4(4). The load expressed in p.e. shall be calculated on the basis of the maximum average weekly load entering the treatment plant during the year, excluding unusual situations such as those due to heavy rain.*

*Article 2 (6) "1 p.e. (population equivalent)" means the organic biodegradable load having a five-day biochemical oxygen demand (BOD<sub>5</sub>) of 60 g of oxygen per day;*

The AER does not provide the required data and the figures quoted do not represent the loading on the plant. Furthermore in the AER's the organic loadings are given in PE with no supporting data on the mass of BOD<sub>5</sub> entering the plant.

Uisce Eireann AER's do not provide the maximum average weekly organic load entering the plant so that an interested party can satisfy themselves as to the plant loading. Instead we are expected to accept an unverified organic loading professed in terms of PE and not mg/l BOD<sub>5</sub>. Appropriate Assessment cannot contain lacunae and if the best scientific knowledge is not available we have a bigger problem than even I envisaged. UE should have this information, and if the Applicant had any confidence in the capacity of this wwtp in respect of its application and comprehensively answering the RFI it had ample time to seek daily influent organic loadings, SWO data (if available) , the DAP assessment, if available, for the agglomeration. It neglected to do so with the result that the PA still does not have the information to make a determination prior to moving on to make a planning decision on this application. On that basis this PA must refuse this application due to lacunae in the NIS.



The RFI response interpolates percentage figures from these incorrect AER figures and is not the best scientific knowledge available to inform an Appropriate Assessment. The likely significant impact on the SAC from an overloaded wwtp and/or untreated discharges from network stormwater overflows (SWO's) and emergency overflows (EO's) is what is required to be assessed. The Planning Authority decision maker must be provided with all relevant data by the Applicant. For instance, of particular relevance is the 458,391m<sup>3</sup> of untreated wastewater discharged through an unidentified stormwater overflow referenced in section 4.1.1 of the 2022 AER for the plant.

An important fact is that AER's are Uisce Eireann produced reports the contents of which are not validated by the EPA, simply published on its website. The contents of AER's cannot be taken at face value for the purposes of AA particularly because the requirement is for an assessment based on the best scientific information available.

I note in section 2.1.1 of the 2022 AER for this plant a stated annual mean hydraulic capacity of 11,366. It does not give any units but it is reasonable to interpret that as m<sup>3</sup>/d. On that basis this equates to 50,515 PE. The data from the 2023 AER referenced in Table 3 of the RFI response gives an average flow of 10,557m<sup>3</sup>/d which equates to a PE of 47,008. It is quite likely that extreme events are not discounted from these figures but should be. However only extreme events should be discounted and we have not been provided with that data. Furthermore, these figures do not take account of the other SWO's and EO's in the network including the Francis Street and Tulla Road pump stations.

To correctly assess the loading on a wwtp requires analysis of the daily influent BOD5 concentrations. The corresponding hydraulic equivalent in Ireland where there is a combined sewer network, as in Ennis North, is 225l/p/d. This figure would equate to DWF. The 2022 stated in section 2.1.2.4 gives an unsubstantiated DWF figure of 6,784 m<sup>3</sup>/d. This equates to a PE of 30,151 for a plant licensed for 17,000 but claimed to have a 31,500 PE capacity. This DWF figure does not take account of volumes discharging through SWO's or EO's.



### 1.3. Ennis North D0048-01 Discharge Licence:

The introduction to the licence states;

The extant licence for Ennis North WWTP D0048-01 is for a PE of 17,000 and has not been review<sup>1</sup> since its implementation on the 2<sup>nd</sup> September 2009. The introduction to the licence states the following;

This licence relates to the Ennis North agglomeration. The design capacity of the wastewater treatment plant (WWTP) located at Clonroadmore was 17,000 population equivalent (p.e.). The organic load entering the WWTP at Clonroadmore is estimated at 27,650 p.e. at present. The plant has not been upgraded to facilitate this load, therefore, the plant is operating over its treatment capacity. The long term plan for urban waste water treatment in Ennis is to build a new plant with 50,000 p.e. An interim programme of improvements is in place to ensure the discharge does not cause environmental pollution.

The primary discharge from the WWTP discharges into the lower River Fergus. As the receiving water body would suggest, the discharge location is impacted by tidal influences. The primary discharge from Clonroadmore WWTP takes place approximately 500 metres upstream of Doora Bridge (EPA Hydrometric Station number 27060).

There is one secondary discharge point from the plant and two storm water overflows. The secondary discharge point is an open ended single pipe discharge to the River Fergus, approximately 80 metres upstream of the primary discharge from the Clonroadmore WWTP.

The stormwater overflows are located at the Tulla Road and Francis Street pumping stations.

There are eight satellite pump-stations within the Tulla Road pump station catchment and three satellite pump-stations within the Francis Street pump station catchment. There are a total of nine emergency overflows in the system.

The licence requires appropriate remedial action, within specified timeframes, to be undertaken in order to address each of the discharge locations within the agglomeration. **This remedial action will ensure that appropriate protection is afforded to the receiving water environment.** [My highlighting]

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<sup>1</sup> On the 8<sup>th</sup> January 2024 the EPA informed Uisce Eireann that it required a licence review which process required UE to make a formal application for a review. To date it has not done so.



## **SCHEDULE C: Specified Improvement Programme**

### **C.1 Improvement Programme for Primary Discharge**

#### **Clonroadmore WWTP by 31<sup>st</sup> December 2010**

- ◆ Rehabilitation of the storm/balance tanks;
- ◆ Upgrade of the inlet works;
- ◆ Upgrade of the treatment capacity of the current aerator and clarifier tanks to cater for the existing and the short term increase in wastewater loading;
- ◆ Upgrade of the sludge handling facilities;
- ◆ Installation of tertiary treatment systems

#### **Collection System by 31<sup>st</sup> December 2010**

- ◆ Upgrade of satellite pump station overflows;
- ◆ Separation of known surface water connections from the main combined sewer where feasible;
- ◆ Rehabilitation of sewers with high levels of infiltration.

#### **Tulla Road & Francis St Pump Stations by 31<sup>st</sup> December 2010**

- ◆ Repair of grit traps;
- ◆ Replacement of pumps and improving the pump controls;
- ◆ Diversion of surface water flows away from pump stations;
- ◆ Upgrade of the combined sewer overflow regime at pump stations

### **A.2 Secondary Waste Water Discharges**

Discharges from SW2 shall comply with the specifications for a 'Storm Water Overflow' by 1st January 2011 in accordance with Condition 5.6 and Schedule A.3 Secondary Discharges to be upgraded to Storm Water Overflows, of this licence.

### **A.3. Secondary Discharges to be upgraded to Storm Water Overflows.**

SW2 Overflow from storm water tanks located at the WWTP Discharge shall revert to performance standards as required of a Storm Water Overflow by 1st January 2011.

## **SCHEDULE D: Annual Environmental Report**

### **Annual Environmental Report Content**

*Inter alia*

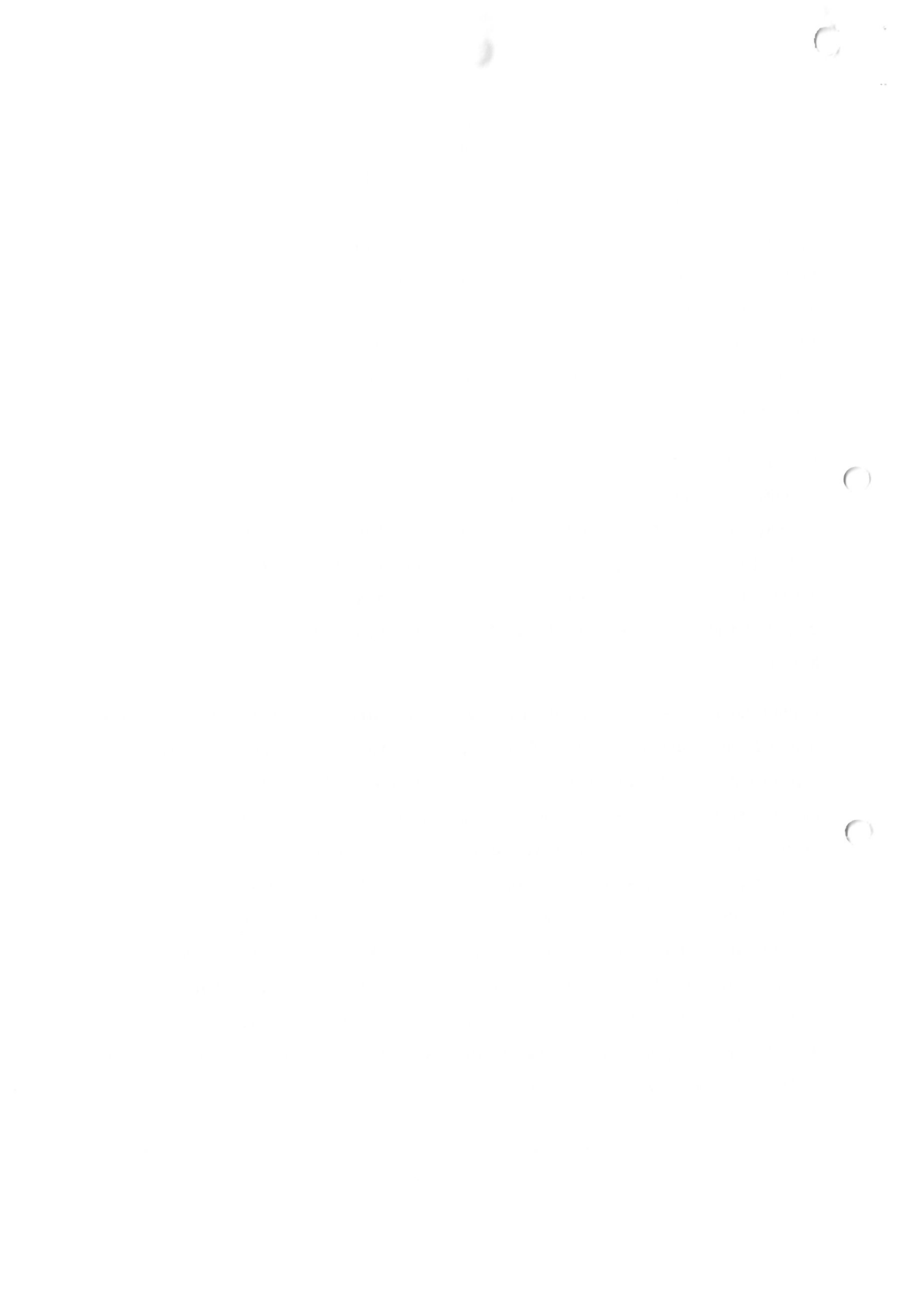


- Discharges from the agglomeration.
- Storm water overflow identification and inspection report.
- Report on progress made and proposals being developed to meet the improvement programme requirements.

Upgrade works were carried out to the wwtp in or about 2015/2016. It is unclear as to the extent or the efficacy of these works as there was never a subsequent review of the discharge licence which remains extant but still only for a PE of 17,000. This is of particular relevance given the Site Visit Reports of the Agency over the past 6 years which consistently raise issues with sludge. This is an indication that this plant is overloaded and the June 2019 SVR stated that the plant is overloaded.

In support of the unreliability of AER's it is noted that the 2022 AER for this wwtp reports a SWO discharge of 458,391m<sup>3</sup> in the previous year. It does not give a location for this/these SWO discharges except it is declared that only one unidentified SWO is monitored. A very important point regarding this untreated SWO discharge is that it, and other unmonitored SWO's, distort what should be the actual loading on this plant if a proper network existed. The RFI 4(d) response did not declare the volume of SWO for the 2023 AER. It selectively disclosed the parts that suited its cause.

Notwithstanding the issues with the plant and the declared unidentified SWO's the licence required specific upgrades to the collection system by the 31<sup>st</sup> December 2010. That did not happen and has not happened since. There are unmonitored SWO's and EO's from the network including both identified pump stations. Again, a true factual loading for this wwtp cannot be determined when unmonitored network discharges of raw wastewater exist. Apart from the likely impacts on Natura 2000 sites caused by these discharges which are recognised as a significant pressure on the groundwater and surface water it is also a breach of the WFD to discharge untreated wastewater except in extreme events. Without proper monitoring, the number, duration and dates of events cannot be determined. ECJ case law has determined that each agglomeration should be assessed individually for acceptable SWO events but they should only be during exceptional weather events. This wwtp, network and associated pump stations do not comply with these requirements.



## **1.4. EPA Site Visit Reports:**

The following are extracts from Site Visit reports for this plant & network which the applicant did not bother to provide in its RFI response for 4(d).

### **1.4.1.SVR June 2019**

*Plant hydraulically overloaded. The optimum sludge age for the WWTP is 9-10 day. The current sludge age is 30 days due to the limitations on sludge wasting. Is there any evidence of operational problems? Yes. Excessive foam attributed to Nocardia bacteria, was noted in both aeration tanks at the WWTP (see photograph 1). Irish Water stated that due to the limited sludge treatment capacity at the site, Irish Water are not able to waste the appropriate sludge volume to optimise the performance of the WWTP. Corrective Action required Irish Water are required to implement measures at the WWTP to ensure that the appropriate volume of sludge can be removed from the system to optimise the performance of the WWTP. In the interim, Irish Water need to consider short-term measures such as tankering, until the sludge management facilities have been upgraded. Is there any evidence of operational problems? Yes. During the site visit, sludge was observed overflowing from clarifier No. 2 and into the overflow channel (see photograph 2). Corrective Action Required Irish Water shall implement mitigation measures at the WWTP to prevent sludge carryover into the final effluent. Is the Pump Station designed as a Storm Water Overflow (SWO)? Yes. It was noted during the site visit, that numerous overflows occurred during the month of April 2019. These overflows have been largely attributed to the ingress issues within the network. Corrective Action Required Irish Water is required to ensure that the storm water overflows associated with the Tulla road and Francis street pumping stations, comply with the criteria set out in the Department of the Environments publications entitled, "Procedures and criteria in relation to storm water overflows".*



*Were there any breakdowns at any of the pumping stations on the network in the past 12 months? Yes. Comment / Corrective Action One of the two screens was not in operation on the day of the site visit due to mechanical failure. Irish Water stated that the screens serving both the Tulla road and Francis Street pumping stations regularly breakdown. Irish Water are engaging with the supplier to address the issue. The primary issue identified during the site visit is the sludge management issues. Irish Water is required to complete the corrective action raised in this site visit report.*

### **1.4.2.SVR August 2022**

*Have you had any emission limit value breaches in the past 12 months? Yes. A single breach of ammonia emission limit value (ELV)(3.65mg/l vs ELV 1mg/l) and orthophosphate (1.24mg/l vs ELV 1mg/l) were recorded in December 2021. Irish Water attributed these to the storm tanks emptying into the inlet works. Irish Water are required to put in place a regular desludging programme of the storm tanks. Is there any evidence of operational problems? Yes. The Dissolved Oxygen (D.O.) level in the larger aeration tank was noted to be very low (0.57mg/l). There were areas of the tank where the foam had crusted over (see photograph nos.1 and 2).*

*Irish Water are required to:*

- 1. Investigate the cause of the excess foam on the surface in the aeration tank and put in place appropriate measures to manage it;*
- 2. Complete a profile of the dissolved oxygen levels across the aeration tank to identify whether the diffuse aeration system is operating uniformly; and*
- 3. Ensure that there are appropriate levels of oxygen in the aeration basins at all times.*

*Comment / Action Required*

*It was noted during the site visit that the bund underneath the dosing pumps was observed to be half full with a mixture of ferric sulphate and rain water (see photograph no.3). There was also localised staining from spillages of ferric sulphate. Irish Water are required to ensure the contents of the bund are managed appropriately.*



*The dosing pumps are scheduled for replacement by end of Q3 2022. Irish Water are required to progress with the replacement of the pumps as soon as possible. Significant levels of solids and some litter were observed on the surface of one of the clarifiers on the date of this site visit (see photograph no.4). These increased solids appear to be having an adverse impact on the operation of the final effluent composite sampler. Irish Water are required to establish if the desludging arrangements at this plant are adequate and appropriate.*

### **1.4.3.SVR July 2023**

*This site visit was primarily to review the network of the Ennis agglomeration and also included a visit to the waste water treatment plant. Uisce Éireann need to establish if the plant is being desludged at an appropriate frequency.*

*Waste water discharges from Ennis North were identified during the characterisation for the third cycle of Ireland's River Basin Management Plan as a significant pressure on the Fergus putting it at risk of not meeting its environmental objective of good status. Discharges from storm water overflow outlets on the collecting system are a significant pressure and adversely impacting the Fergus as identified in the Water Framework Directive*

*Characterisation Assessment.*

*Storm water overflows are a significant pressure impacting this receiving water. There is a lack of information on the frequency of discharge of many of the overflows in this agglomeration. There are also outstanding specified improvements in relation to the rehabilitation of the sewer network.*

*Uisce Éireann are required to complete all the corrective actions as set out in this site visit report.*



*The following documentation were submitted by Uisce Éireann on 10 July 2023.*

- *Effluent monitoring results 2022 and 2023 to date;*
- *Ambient monitoring results 2022 and 2023 to date;*

*The following information was requested of Uisce Éireann and where available was assessed prior to the visit:*

- *Annual Environmental Report 2022.*
- *Information on the SWOs in the Ennis North network.*
- *Drawings of the SWOs/CSOs on the Network in Ennis North and schematics of the type of SWO or overflow mechanisms*
- *2022 Event Duration Monitoring data for Ballyallia Main PS, Francis St PS and Tulla Road PS.*
- *Data on Flow to treatment, flow to storm tank(s) and effluent flow values for 2021 and 2022.*
- *Details of the SWO assessments to meet Department Criteria (e.g. formula A calculations and storage information).*
- *Co-ordinates for ENNIS NORTH - BALLYALLIA MAIN PS.*
- *monitoring data and calculations to support the reported 458,391 m<sup>3</sup> of sewage was discharged via monitored SWOs in the agglomeration in the year (2022 AER).*

*The following additional information was submitted after the site visit:*

- *Desludging records for 2022 and 2023 to date; and*
- *SVI and Cone data for 2022 and 2023 to date.*

*One breach of ammonia emission limit value (ELV)(2.381mg/l vs ELV 1mg/l) was recorded in December 2022. Corrective Action Required: Uisce Éireann shall investigate the causes of this ELV breach and implement measures to ensure that the final effluent complies with the ELVs in the licence at all times.*

*There are two storm tanks at the Inlet to the plant. On the day of the inspection, both storm tanks were almost full (see photograph 1). The capacity of untreated waste water in the storm tanks is reported as 766m<sup>3</sup> per tank.*

*Discharges of untreated effluent occur frequently from the storm tanks via SW2. It should be noted that SW2 was a secondary discharge and was required to be upgraded to a storm water overflow by 1 January 2011.*



*The 2022 Ennis North AER indicates that none of the SWOs meet the Department criteria for SWOs.*

*There is no safe and permanent access to SW2 and on the day of the inspection the SW2 outfall point was not accessible.*

*Based on the data submitted by Uisce Éireann prior to the site visit for 2022, for 133 of the 360 days reported, there was a storm water discharge via SW2. The 2022 AER reports that a total of 458,391 m<sup>3</sup> discharged via SW2 in 2022. From the data, it is clear that this SWO discharges untreated effluent almost daily in the winter.*

#### *Actions Required*

*Uisce Éireann are required to:*

- 1. Reassess SW2 against Department criteria and clarify why it is failing the criteria.*
- 2. Provide safe access to SW2 outfall point as required by Condition 4.6 of the WWDL for this agglomeration.*

*There were some localised areas of aeration tank no. 1 with what appeared to be *Nocarrdia* bacteria type scum which had crusted over (see photograph no. 2) and this indicates operational problems. The Dissolved Oxygen (D.O.) level in aeration tank no. 1 was found to be reading 2.57mg/l and 1.13mg/l in aeration tank no. 2.*

*Action required:*

*Uisce Éireann are required to:*

- 1. Investigate the cause of the excess foam on the surface in the aeration tank and put in place appropriate measures to manage it;*
- 2. Complete a profile of the dissolved oxygen levels across both aeration tanks to establish if the oxygen delivery system is operating adequately;*
- 3. Ensure that there are appropriate levels of oxygen in the aeration basins at all times.*
- 4. Clarify whether the plant is being desludged at the appropriate rates and whether there is any limiting factor preventing this from occurring.*



*It is noted that the last site visit report (SV23807) stated that the dosing pumps were scheduled for replacement end of Q3 of 2022. However, these works have not been completed. Uisce Éireann personnel stated that there is a planned upgrade to the phosphate system planned within the next two months. This upgrade is to include the installation of an additional two pumps to allow for four pumps (one duty/standby for each stream).*

*Action required:*

*Uisce Éireann are required to give this greater priority and to revert with a timeframe by which this will be completed.*

*The V-notch weirs in the clarifier No. 1 appeared to be flooded on the day of the inspection with high flow going through the plant. Some 'pin floc' solids were observed overflowing the v-notch weirs and discharging on the date of this site visit (see photograph no.3). This may be evidence of denitrification occurring in the clarifier and can lead to sludge carryover and suspended solids being an issue in the final effluent.*

*Uisce Éireann are required to:*

- 1. Establish if the desludging arrangements at this plant are adequate and appropriate.*
- 2. Review the control of flows through the plant to ensure that it is not overloaded.*
- 3. Investigate what is giving rise to the 'pin floc' carry over.*
- 4. Increase the frequency of effluent sampling to weekly until this brought under control.*

*Is the Pump Station designed as a Storm Water Overflow (SWO)? Yes  
Tulla Road Pump Station*

*The Tulla road pump station was visited as part of the site inspection. This pump station has two screens and operates with three foul pumps and three storm pumps, which operate on different cycles. There is a flow monitor at the inlet to the main WWTP and this informs what volume is coming from the Tulla Road Pump station. There is no monitor on the pump station itself. Uisce Éireann stated that flow from the Tulla road pump station can vary between 4,000-5,000 m<sup>3</sup>/day.*



*Is the Pump Station designed as an Emergency Overflow (EO)? Yes.*

*1. The Ballyallia pump station was inspected. It is designed as an Emergency Overflow. This station is in place approximately twenty years. It also acts as an emergency overflow. No flow monitoring of storm water takes place at the outfall point. It was highlighted that any overflow here would likely be storm water only.*

*2. The Francis Street pump station also acts as an Emergency overflow. It has three foul pumps. There are four storm pumps at this station. There is no flow monitoring on what volume of combined sewer overflow is going to storm water overflow point.*

*Uisce Éireann confirmed that there are screens in situ for the main pumping stations. There are two screens at the Francis Street Pump station. It was confirmed that one of these screens was broken down and in need of repair on the day of the inspection.*

*Action required:*

*Uisce Éireann are required to revert with timeframes to repair the damaged screen at the Francis Street pump station.*

*Is the agglomeration categorised as a significant pressure under the Water Framework Directive? Yes.*

*Waste water discharges from Ennis North were identified during the characterisation for the third cycle of Ireland's River Basin Management Plan as a significant pressure on the Fergus putting it at risk of not meeting its environmental objective of good status. Storm water overflows were identified as the significant pressure impacting this water body.*

*The Ennis North network is identified as significant pressures on the Fergus River under the Water Framework Directive.*

*Are the issues that gave rise to the agglomeration been categorised as a significant pressure still ongoing? Yes.*



*During the site visit an inspection of the outfall from SW3 was conducted. It was found that access was poor. There was an old spill boom in the river (adjacent to SW3 outfall). At 13:37 there was a stormwater overflow occurred, which continued for approximately 1 minute.*

*Uisce Éireann should examine the feasibility of installing a flow monitor or events monitor on this outfall point at SW4 to determine the volume being discharged at this point.*

*Are corrective actions being progressed to address the significant pressure? Yes.*

*Uisce Éireann's representatives advised that a drainage area plan (DAP) to assess the waste water collecting system is underway. This DAP will inform improvements needed to the collecting system. Action required: Uisce Éireann are requested to revert with timeframes by which the DAP will be completed for Ennis North.*

*No flow meters exist on any SWO outfalls apart from SW2 which is located at the WWTP. Action required: Uisce Éireann should look at the feasibility of installing a flow meter or events monitor on all SWO outfall points (even temporarily) to accurately determine volumes of untreated discharges and overflow events across the network.*

*AER reported monitoring on SWOs*

*The Licensee reported a volume of 458,391 m<sup>3</sup> of sewage discharged via monitored SWOs in the agglomeration for 2022, in the 2022 AER. This volume is for SW2 only as no other SWOs within the agglomeration are monitored. The table in Section 4.1.1 of the 2022 AER reported the monitoring status and reports monitoring status as 'Monitored' for TBC and SW4. Subsequent data submitted prior to the inspection reported that 'Events duration' monitoring is in place for SWO locations: TBC, SW3 and SW4. Neither of these are accurate or reflective of what was observed on the day of the visit and as pointed out by licensee representatives. Action required: UE are required to check what is reported in AERs and ensure that it is accurate and reflects practices on the ground. The licensee should ensure that SWO reporting in the AERs is corrected and reported accurately going forward.*



*All Storm Water Overflows in the agglomeration are reported in the 2022 AER as not meeting DoEHLG criteria. Action Required: Uisce Éireann are requested to clarify what works are required at each Storm Water Overflow so that they can meet the DoEHLG criteria.*

*No sign was visible at the licensed primary waste water discharge monitoring point at the WWTP on the day of the visit. Condition 4.6 of the Licence requires that the licensee clearly labels and provides safe and permanent access to all on-site sampling and monitoring points and to off-site points as required by the Agency. Uisce Éireann are required to ensure that there is full compliance with the above mentioned Condition of the Licence.*

*During the site visit pin floc was noted flowing over the v-notch weirs of Clarifier No.1. Action required: Uisce Éireann are required to investigate the cause of pin floc evident in the Clarifier no. 1 and put in place necessary measures to prevent its reoccurrence.*

*A review of the MLSS and SVI results provided following the site visit on the 18 July 2023 showed that side 1 had an elevated MLSS result of 6,464mg/l and a low SVI of 54 for 12 July 2023. Side 1 has reported fluctuations in MLSS from 8 July to 17 July that varied from 1,937mg/l on 8 July to 6,464mg/l on 12 July 2023. Both Side 1 and Side 2 have low SVI reported on 12 July and 13 July at 54 and 68 (Side 1) and 71 and 73 (side 2) respectively. These low levels potentially indicate that the activated sludge may be not as healthy. Side 1 has reported SVI results of >200 for the period 13 May 2023 to 31 May 2023. These high SVI levels would indicate sludge bulking. Action required: Uisce Éireann are required to:*

- 1. Review the desludging of the plant and ensure that it is adequately desludged at all times.*
- 2. Investigate the cause of the low SVI and elevated MLSS in Side 1 on the 12 July 2023 and put in place necessary measures to prevent its reoccurrence.*



#### **1.4.4. AER 2022/2023 Comparison:**

It is interesting to compare the 2022 AER and the revised 2023 AER for this plant. The first thing of note is that this plant consistently fails to comply with the set ELV for Ammonia-Total (as N) mg/l.

The WFD status is Moderate both upstream and downstream.<sup>2</sup>

The 2022 DWF is 6,784 m<sup>3</sup>/d – The 2023 DWF is 6,784 m<sup>3</sup>/d a truly remarkable correlation.

While 2022 has a claimed annual max flow of 15,520 m<sup>3</sup>/d, the 2023 annual max flow is only 11,996m<sup>3</sup>/d. There is no explanation for the 23% reduction in max flow.

The 2022 average hydraulic loading is 11,336m<sup>3</sup>/d which is in almost perfect harmony with the 2023 figure of 11,996m<sup>3</sup>/d.

The uncorroborated 2022 peak organic loading is stated as 24,632 PE while the 2023 figure blends well at 24,659 PE. Again, truly remarkable consistency for an agglomeration which had a 2022 untreated discharge of 458,391m<sup>3</sup> from one on numerous SWO's and a 2023 untreated discharge of 741,496m<sup>3</sup>. Something more than smells about these figures. The 2022 AER give one monitored but unidentified SWO but 2023 gives two monitored but only one identified SWO. The latter discharge figure is from the identified SW2 SWO with is very comforting. Of course neither year give any account of the SWO's at the Francis Street or Tulla Road pump stations.

It should be of small comfort, and totally irrelevant in the context of this decision, but the 2023 AER declares that a Drainage Area Plan (DAP) is ongoing for Ennis North agglomeration and that the *“Tulla Road and Francis Street pump stations: upgrade of the combined sewer overflow regime at the pump stations”* is *“at the planning stage”* and is due to be *“completed by 2037”*.

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<sup>2</sup> See statutory obligations and responsibilities on decision makers



The 2024 AER should make for interesting reading whenever it becomes available. The author checked the EPA website today and it is not available.

## **2. Cycle 3 Water Framework Directive:**

HA 27 Shannon Estuary North Catchment Report, May 2024:

The Ennis groundwater body IE\_SH\_G\_080 is at risk of not achieving Good WFD status and urban wastewater is considered a pressure on this waterbody.

The Fergus River IE\_SH\_27F010780 FERGUS\_070 is at risk of not achieving Good WFD status and urban wastewater is considered a pressure on this waterbody.

The Fergus Estuary IE\_SH\_060\_1100 current status is Moderate and identified as at risk of not achieving Good WFD status. Urban wastewater is considered a pressure on this waterbody.

**High Status Objective Waterbodies**

High status waters are prioritised for protection and action.

There are seven waterbodies with a High Ecological Status Objective (HSO) in the Shannon Estuary North Catchment, with all seven currently not meeting their environmental objective of High.

There is one heavily modified waterbody (HMWB) in the Shannon Estuary North catchment (FERGUS\_070). It is currently At Risk.

**Significant Pressures: Urban Waste Water**

**Report series: Impacts of pressures on water quality URBAN WASTEWATER**

**Impacts of Urban Wastewater on Water Quality**



The implementation of the Urban Wastewater Treatment Directive has led to a significant reduction in nutrients and organic material polluting surface waters. However, Ireland is still not fully compliant with this directive; pollution from some urban wastewater treatment facilities has not yet been adequately addressed, including pollution from smaller agglomerations, storm water overflows and micropollutants that damage the environment.

Discharges from urban wastewater treatment plants and agglomeration networks (UWW) have been identified as the fourth most prevalent significant pressure in the country. Nearly 200 waterbodies or 12% of all waterbodies 'At Risk' of not achieving their environmental objective under the Water Framework Directive (Table 1 and Figure 1) have UWW as a significant pressure.

Waterbodies are categorised as being 'At Risk' of not achieving its WFD objectives where the monitoring data shows evidence that water quality is impacted, and actions are required to deliver water quality improvements. This is based on the most recent characterisation assessment using data up to 2021.

Water quality impacts arising from urban wastewater Direct discharge of nutrients from UWW treatment plants and discharge from combined storm overflows (CSOs) or storm water overflows (SWOs) from the sewer network are the most common water quality problems associated with UWW1. The excess nutrients can cause eutrophication which is an overgrowth of algae and aquatic plants, which in turn impacts other species and the ecosystem balance. Emissions of elevated concentrations of phosphorus and ammonia from UWW are the key nutrients for rivers and lakes, while emissions of nitrogen and phosphorus are the focus for transitional and coastal waters. Elevated concentrations of microbes, such as E.coli, viruses and other pathogens in the waste water may impact public health at bathing and shellfish waters. Chemical impacts associated with pharmaceutical/personal care products, and microplastics, may not be removed by wastewater treatment plants and can also be emitted into surface waters.



Nutrient impacts EPA assessments have shown that the proportion of nutrients from UWW in Irish rivers varies according to nutrient type. For nitrogen, the contribution from UWW is relatively small (8%) in comparison to the load coming from agriculture (84%) (Figure 2). For phosphorus, the proportion of the load is higher at (45%). However, it must be noted that 40% of the Irish population lives within 5km of the coast, which means the majority of their wastewater is predominantly discharged into marine waters, including the Ringsend UWW plant which takes over 40% of the national wastewater generated. This means that in the rural environment, the proportion of the phosphorus load coming from UWW is lower than at the national scale, though it can be very important immediately downstream of urban areas at the local scale.

Figure 3 shows the annual average concentrations of phosphate (blue) and ammonia (green) in rivers from 2007 to 2023 for waterbodies currently 'At risk' with UWW identified as a significant pressure and those waterbodies considered 'Not at risk'. The dashed lines represent the environmental quality standard for phosphate (0.035 mg/l) and ammonia (0.065 mg/l) associated with good status. Mean concentrations below the standard are typically required to support good ecological status. For both parameters, annual averages of both nutrients in 'At risk' rivers are consistently above these standards and below those assessed as 'Not at risk'. At high concentrations ammonia is particularly toxic to river invertebrates. There can be considerable variation from year to year in both nutrients highlighting the impact often caused by, for example, overflows during heavy rain. Overall, the concentrations of both are consistently too high.



Protected areas UWW has been identified as being the main source of microbial pollution for the three bathing waters classified as Poor in Ireland in 2022. When a bathing water is classified as Poor it means there is a risk of periodic pollution, with the potential to cause illness such as stomach upset, skin rash and infections of the eye, ear, nose and throat. While wastewater adversely affects some bathing waters from time to time, the overall quality of Ireland's identified bathing waters remains good, with 97% of our beaches meeting the basic water quality standards in 2022. However, there were three bathing waters that did not meet the minimum standards because of impacts from UWW – these are Lady's Bay Buncrana in Co Donegal, Front Strand Beach in Balbriggan in Co. Dublin 2 , and Trá na mBan in An Spidéal, Co Galway. Works are ongoing since 2023 to mitigate these impacts.

**Micropollutants** Micropollutants are found at trace concentrations in the environment and include pharmaceuticals, personal care products (PPCPs), per- and polyfluoroalkyl substances (PFASs), nanomaterials, microplastics, steroid hormones, pesticides, and plasticisers. Micropollutant exposure can have a range of adverse effects on wildlife. Although these effects are not always easily observable, these changes may impact the overall survival rate of the species.

UWW discharges are a significant pathway for these substances into our waters as existing treatment systems are unable to fully remove the wide variety of products from both effluent and/or sludge. To date in Ireland, UWW has not been identified as a significant pressure associated with a failure to achieve good chemical status in the 2016-2021 period. This reflects the focus of the initial EU priority substances list on pesticides (many of which have subsequently been banned), industrial chemicals and metals.



Recently the Commission has moved towards regulating a wider variety of micropollutants. The EU chemicals strategy proposes a transition to chemicals and products that are safe by design, the phasing out of harmful substances (such as per- and poly-fluoroalkylated substances (PFAS)) and improved risk assessment procedures. However, these source controls are not viable for all micropollutants, such as some pharmaceuticals, so improved treatment (quaternary) at wastewater facilities is required. In an Irish context about 50% of the  $\approx 300$  plants serving a PE > 1000, currently have tertiary treatment and none have quaternary treatment. Of the seven larger wastewater treatment plants (> 100000 PE) only one has tertiary treatment. This highlights the challenge in meeting these treatment objectives over the next two decades, notwithstanding the provision in proposed regulations for the producers to pay for much of the additional cost in upgrading these plants. Campaigns aimed at changing consumer behaviour can also be effective in optimising usage, storage, and disposal of certain chemicals, however, substance specific regulations and information campaigns are unlikely to ease the overall burden given the variety of substances so in conjunction with source controls, improved wastewater treatment are the most important measures for reducing the risk to surface waters of micropollutants. This has been highlighted as an action as part of the EU review of the Urban Wastewater Treatment Directive.

What is being done?

Mitigation actions include putting in place or upgrading deficient wastewater treatment infrastructure which will require investment, and getting the best performance from existing systems by improving how they are operated and maintained. Nutrient removal that is already in operation in 30% of treatment plants needs to be extended to some large towns and cities discharging into sensitive areas.

While considerable progress has been made to date, substantial work needs to be done to improve the UWW network in Ireland and it will take many years of sustained investment to bring all treatment infrastructure up to standard and also provide for future needs. It will take a multi-billion euro investment and, based on current investment levels, at least two decades to get all treatment systems up to standard.



In the 2022 report on UWW, the EPA has identified 89 priority areas where action is needed to protect the environment. These include the following:

- Treatment at 15 large urban areas that did not comply with EU standards;
- 26 towns and villages discharging raw sewage into our seas and rivers;
- upgrading of the network collection systems in 6 areas;
- 39 areas where improvements are most needed to protect inland and coastal waters adversely impacted by wastewater discharges;
- 12 towns and villages where treatment must be improved to protect the endangered freshwater pearl mussel; and
- Assessments of the 23 shellfish areas are urgent.

Uisce Éireann's next capital investment plan, which will run from 2025 to 2029, has the potential to deliver significant benefits for our environment and it is critical that investment is directed to the priority areas. The plan must have a strong focus on protecting and improving waters most at risk from wastewater discharges. Details of investment projects currently underway are available on the Uisce

Eireann website at [Capital Investment Plan | Strategic Plans | Uisce Éireann \(formerly Irish Water\)](#).

Additional actions have been highlighted in the third River Basin Management Plan to address UWW pressures. These include for example, securing additional funding, under the Enhanced Ambition Programme, for Uisce Éireann to advance priority projects where UWW is a significant pressure, and review of the criteria for the performance of combined storm water overflows. Further details are available in the third River Basin Management Plan (Water Action Plan 2023).

The catchment is also a Local Authority Waters Programme (LAWPRO) area for restoration under the third cycle River Basin Management Plan.



### **3. Statutory obligations and responsibilities on decision makers**

S.I. No. 272 of 2009

EUROPEAN COMMUNITIES ENVIRONMENTAL OBJECTIVES

(SURFACE WATERS) REGULATIONS 2009

Duty on public authorities

4. A public authority that has functions the performance of which may affect the achievement of the environmental objectives established by these Regulations shall undertake those functions in a manner that will, as far as practicable, promote compliance with the requirements of these Regulations and, in particular shall—

(a) ensure, in so far as its functions allow, that—

(i) surface water bodies comply with the relevant environmental quality standards specified in the Schedules contained in these Regulations, and

(ii) protected areas achieve compliance with any standards and objectives laid down for such areas at the latest by 22 December 2015 unless otherwise specified in the national legislation under which the individual protected areas have been established.

Where one or more of the objectives or standards under this subparagraph relates to a given body of water, the most stringent shall apply

(b) establish or make operational within the timeframes prescribed such measures appropriate to its functions as are necessary to achieve the environmental objectives and quality standards established, including the objective of progressively reducing pollution by priority substances and the ceasing or phasing out of emissions, discharges and losses of priority hazardous substances, and



(c) consult, co-operate and liaise with other public authorities within the river basin district and, where appropriate with the relevant competent authorities in Northern Ireland, in such a manner and to such extent as is necessary to co-ordinate compliance with these

Regulations.

5. A public authority shall not, in the performance of its functions, undertake those functions in a manner that knowingly causes or allows deterioration in the chemical status or ecological status (or ecological potential as the case may be) of a body of surface water.

8. A person, public authority or body corporate authorised or otherwise regulated within the meaning of Article 7 shall comply within the timeframe specified, with the emission limits, or other requirements, laid down in the authorisation granted.

Prosecution of offences and performance of statutory functions by public authorities

13. It shall be an offence not to comply with a requirement of these Regulations.

14. A person, public authority, body corporate or unincorporated body guilty of an offence is liable,

(1) on summary conviction to a fine not exceeding \5,000 or to imprisonment for a term not exceeding 3 months or to both, or

(2) on conviction on indictment to a fine not exceeding \500,000 or to imprisonment for a term not exceeding 3 years or to both.

15. Where an offence under these Regulations has been committed by a body corporate and is proved to have been committed with the consent or connivance or to be attributable to any neglect on the part of a person being a director, manager, secretary or other similar officer of the body corporate, or of a person who was purporting to act in any such capacity, that person as well as the body corporate is guilty of an offence and is liable to be proceeded against and punished as if that person was guilty of the first-mentioned offence.



## 4. Rock-breaking/Crushing/Screening:

RFI response updated CEMP

### 7.1.2 DUST AND PARTICULATE CONTROL MEASURES

*The main activities that may give rise to dust emissions during construction include the following:*

- *Excavation of material;*
- *Rock breaking, crushing and/or screening;*
- *Materials handling and storage;*
- *Movement of vehicles (particularly HGV's) and mobile plant.*

*Mitigation measures to be in place:*

- *Consultation will be carried with an ecologist throughout the construction phase;*
- *Trucks leaving the site with any excavated material will be covered so as to avoid dust emissions along the haulage routes which run close to the Claureen River.*

**This never happens and is practically impossible to enforce under planning conditions.**

- *Speed limits on site (15kmh) to reduce dust generation and mobilisation.*
- *Install fixed and mobile water spraying systems on crushers, screens, and rock breaking areas to suppress dust emissions continuously during operations.*

**There was no application for permission for crushing. Why is it being slipped in here? Where will any crusher be located? Where will the fixed and mobile spraying be located? What noise assessment was carried out?**

*Preparing and Maintaining the Site*

- *Plan site layout so that machinery and dust causing activities are located away from receptors, as far as is possible.*

**This is verbiage for the sake of verbiage and is meaningless.**

- *Remove materials that have a potential to produce dust from site as soon as possible, unless being re-used on site. If they are being re-used on-site cover as described below.*

**This is more verbiage. Is the developer undertaking to cover all stockpiles of sand and stone on the site?**



### *Measures Specific to Earthworks*

- Re-vegetate earthworks and exposed areas/soil stockpiles to stabilise surfaces as soon as practicable.

#### **When, 3 years later?**

- *Use Hessian, mulches or trackifiers where it is not possible to re-vegetate or cover with topsoil, as soon as practicable.*

#### **Will the developer agree to the inclusion of a condition to enforce this condition?**

#### 7.1.4 MONITORING AND COMMUNICATION

- *Check and clean surfaces (e.g. windowsills, parked cars) within 100 m of the site for visible dust soiling.*

**This is nonsense. What right of access has the developer to residences within 100m of the site boundary? Given the developer recognises the potential for these impacts how does it intend to address this issue in a practical sense?**

- *Increase inspection frequency during high-risk activities or adverse weather.*

#### **Define high risk activities or adverse weather.**

- *Maintain a dust complaint register; all reports will be recorded, investigated, and responded to with corrective action as necessary.*

**Given that the developer recognises the potential for this nuisance it needs to define how this policy will operate in reality. What access or input to this register have the impacted public?**

#### 7.1.5 STAKEHOLDER ENGAGEMENT

- *Develop and implement a Stakeholder Communication Plan prior to construction, detailing how local residents and businesses will be informed of project timelines and mitigation efforts.*

**This plan should be defined and developed here and now.**

- *Encourage residents to report dust concerns, which will be managed transparently and promptly.*

**This is disingenuous and not what the public experience with such developments.**



## 7.2 NOISE & VIBRATION

**Crushing, screening and rock-breaking with very heavy machinery was not assessed.**

- *Using minimal impact reversing alerts and avoiding the use of horns, where possible.*

**Please define or expand on this proposal for “minimal impact reversing alerts”.**

- *Install temporary noise barriers (e.g., timber hoarding, earth bunds) around high noise generating equipment.*

**Define the locations for these proposals.**

- *Provide advance notice of high vibration/noise activities to affected residents and maintain a hotline for complaints.*

**This should be provided at this stage where there is still public participation. Hereafter there is no opportunity for participation.**

- *Rock breaking and/or crushing activities are anticipated to occur primarily in the south-western portion of the site, in the vicinity of Soakaway A, where, based on available site investigation data, an estimated rock cut of approximately 3m into grey fine- to coarse-grained limestone may be required which potentially will cause vibration effects.*

**There is no application for crushing of rock in this application. Crushing is a production process and requires planning permission following a full assessment of likely EIA/AA impacts. It has evolved on these large development that the crushing of rock is a given. It is not and if the developer wishes to crush rock on this site it should include it formally in the planning application.**

## 7.3 SOIL & GROUNDWATER

**The size of machine using rock breakers should be specific and the noise assessment based on the outputs which increase with size. Blasting of rock should be specifically forbidden by a condition of planning permission.**



## 5. Conclusion:

The applicant had ample time to source the relevant data from Uisce Eireann to determine the capacity of this wwtp. Uisce Eireann have average weekly influent flow data from which the highest average weekly flow can be determined as prescribed in the UWWD. It also has data for the daily influent BOD<sub>5</sub> to correlate with the dates for the highest average influent flows. It is easy to work out the organic loading in grams and to determine the PE based on the definition for PE in the UWWD. The applicant was requested to do this in the RFI but demonstrably failed to do so.

I am certain that if this information is sourced that it will show clearly that this wwtp is both hydraulically and organically overloaded contrary to the illusion portrayed in AER's. Of course those figures are without any consideration of the untreated discharges from SW2 at the plant or from the Pump Stations in Francis Street and Tulla Road. Is it any wonder the Q-values for the River are what they are?

The applicant chose not to mention the judicial review of the previous SHD for this site (which was an almost identical planning application) which judgement is due on the 16<sup>th</sup> January 2026. Be that as it may and least the decision makers fall into the trap of kicking this can down the road they will be aware of the current challenge to a wastewater connection agreement in the contiguous agglomeration.

Uisce Eireann do not carry out any environmental assessment of its connection agreements so rest assured any attempt to delegate responsibility for a proper assessment of the capacity to treat the wastewater arising from this proposal will be vigorously contested.

The applicant needs to clarify its intentions with regard to crushing and screening of extracted rock on this site. I respectfully request Clare County Council to refuse this application on grounds of a lack of required information and prematurity until capacity to treat the wastewater arising is available.

Yours Sincerely,

Michael Duffy - Electronic submission

