Our Case Number: ACP-324342-26

An Coimisiún Pleanála

Development Applicaitons Unit
Governement Offices
Newtown Road
Wexford
Y35 AP90

Date 16 November 2026

Re: Proposed Burnfoot Flood Relief Scheme
in the townlands of Ballyederowen, Carnashannagh, Monreagh (aka Barr of Kilmacilvenny), and Inch Level at Burnfoot, County Donegal

Dear Sir / Madam,

An Coimisiún Pleanála has received your recent submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter.

Please note that the proposed development shall not be carried out unless the Commission has approved it or approved it with conditions.

If you have any queries in relation to the matter please do not hesitate to contact the undersigned officer of the Commission at laps@pleanala.ie

Please quote the above mentioned An Coimisiún Pleanála reference number in any correspondence or telephone contact with the Commission.

Yours faithfully,

p/o

Lauren Griffin
Executive Officer
Direct Line: 01-8737244

JA03

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An Roinn Tithíochta,
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Department of Housing,
Local Government and Heritage

Your Ref: ACP-324342-26
Planning Ref: Section 175 Burnfoot Flood Relief Scheme
(Please quote in all related correspondence)
24 July 2026

The Secretary
An Coimisiún Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Via email: laps@pleanala.ie

Re: Notification under Section 175 of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001-2023 (as amended).

Donegal County Council (on its own and on behalf of the Office of Public Works) is submitting a planning application for approval under Section 175 and Part XAB of the Planning and Development Act 2000, as amended, for proposed development works namely the Burnfoot Flood Relief Scheme.

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.

Archaeological

The following submission is provided to An Coimisiún Pleanála (ACP) by the Department. Within the Department, the National Monuments Service (NMS) are tasked, amongst a range of functions on behalf of the Minister for Housing, Local Government and Heritage, with the protection, preservation and promotion of Ireland's archaeological heritage. To this end, the Department makes recommendations as a prescribed body to the relevant planning authorities. Overall Government policy is to deliver some 150 additional Flood Relief Schemes (FRS) over the lifetime of the National Development Plan to 2030, and this submission supports this policy by offering recommendations to align the project with State policies and legal codes for the protection of the archaeological heritage. To this end, also,

the NMS of this Department (in conjunction with colleagues in the National Built Heritage Service of this Department) has attended pre-planning consultations and site walkovers with the proponents and has reviewed and commented on Environmental Impact Assessment Report (EIAR) scoping consultations, assessment reports and archaeological method statements. There has also been close liaison on project development with the Office of Public Works (OPW) Project Archaeologist. The planning application documents provided to ACP have been reviewed and please find below the submission, comments and recommendations of the Department.

Summary Project Description

The Burnfoot, County Donegal Flood Relief Scheme will comprise of flood defence measures along the Burnfoot River and its tributary, the Carnashannagh Stream. The key measures proposed include the demolition and replacement of the existing R238 road bridge with a clear span structure; upgrades to existing culverts; concrete flood walls on the Carnashannagh Stream upstream of Brae Road; embankments along the Burnfoot River; sheet piled wall adjacent to the Burnfoot River upstream and downstream of the R238 bridge and concrete walls upstream of the latter; and the removal of sections of arterial drainage scheme embankments to reconnect to floodplain.

Review of EIAR Cultural Heritage Chapter

It is noted that the plans, particulars and EIAR submitted as part of the planning application to ACP incorporates Burnfoot FRS EIAR (Donegal County Council, Record of Monuments and Places (RMP) May 2025) Chapter 15 Cultural Heritage (by John Cronin and Associates). The assessment methodology employed was informed by the published Archaeology and Flood Relief Schemes Guidelines (NMS, 2023). The baseline in Chapter 15 was informed by a walkover survey of the Proposed Scheme footprint and inspection of adjacent areas, as well as a licenced underwater wade and metal detection survey at the Burnfoot River. The results of the following project-specific field based archaeological investigations are included as appendices:

Appendix 15.3 Licenced wade and metal detection survey of a portion of the Burnfoot River where in-stream works will be required as part of the proposed flood relief measures (Burnfoot Bridge).

Appendix 15.4 Licenced test excavations of a potential burnt spread (SMR DG038-059---) along northern banks of the Burnfoot River.

Appendix 15.5 written, drawn and photographic architectural heritage record of Burnfoot Bridge.

The EIAR notes that the proposed scheme is largely located at the village of Burnfoot, County Donegal, a 'small settlement area not indicated as a village on historic mapping during the



early nineteenth century but is well established by the early 20th century as a 'crossroads' settlement beside a bridge crossing the Burnfoot River'. A total of four recorded Sites and Monuments Record (SMR) archaeological sites are situated within the study area, comprising a shell midden site (DG038-048---) and a hearth (DG038-049---), and two burnt spreads (DG038-056--- and DG038-059---). The shell midden site (DG038-048---) was partially excavated and dated to the early bronze age, while Mesolithic and Neolithic flints, and sherds of early bronze age food vessel pottery associated with a cist burial (DG038-041---), and a hearth (DG038-049---) were also found nearby. The burnt spread DG038-056--- was discovered during works for a housing development in 2008. The only SMR site that falls within the proposed scheme works area is another burnt spread (DG038-059---), which was test excavated, but no archaeological features were identified. Underwater archaeological survey did not uncover anything of archaeological significance. There are no structures listed on the RPS or recorded in the National Inventory of Architectural Heritage (NIAH) survey that are located within the Study Area nor are there any Architectural Conservation Areas (ACAs). Burnfoot Bridge is marked on the first 6-inch edition Ordnance Survey (OS) mapping (published 1836) and subsequent editions but has been heavily modified; it is proposed for removal and was the subject of an architectural heritage survey (Appendix 15.5).

Impacts and Mitigation

Construction stage works that are likely to have a significance of effect on the Cultural Heritage resource include clearance works, excavations for the proposed hard defences (embankments, sheet wall piling, flood walls) and any temporary compound/storage areas. The access routes will be via existing roadways and trackways. The scheme will involve a total of five "Direct", five "Indirect" and five "No Predicted Effect" construction stage impacts on the Cultural Heritage resource, as well as two Potential Direct impacts in areas of archaeological potential both within greenfield areas near the banks of the Burnfoot River.

Direct permanent negative impacts are projected on the burnt spread DG038-059---; on Burnfoot Bridge, which although heavily modified is noted in the EIAR as retaining 'elements of architectural heritage character in the form of its built rubble construct, breakwaters, voussoirs, and arch detail to its eastern side'; on an outbuilding associated with the former Burnfoot Royal Irish Constabulary (RIC) station; and on the site of a former brickworks, which may contain subsurface remains. Table 15.6 summarises the full suite of Direct and Indirect Impacts on the Cultural Heritage Resource at Construction Stage and Table 15.7, the Significance of Effect. The removal of Burnfoot bridge is the effect adjudged to be the most significant.

The key proposed construction stage mitigation measures in relation to the identified Cultural Heritage impacts within the Study Area include preservation by record of the burnt spread DG038-059---; preservation by record, full architectural heritage recording, archaeological monitoring of instream works and reuse of salvaged stone of Burnfoot Bridge; preservation by record and monitoring of demolition of the RIC outbuilding; advance archaeological test trenching at Areas of Archaeological potential. In addition, construction stage archaeological monitoring will be undertaken of 'all ground disturbance works, including within areas of archaeological potential that will ensure either preservation in situ or by record in the event of a find, that will be fully documented and mapping according to Department requirements and added to the recorded archaeological record'.

Legal Codes and Policy Context

Archaeological monuments are afforded statutory protection in the RMP established under section 12 (Recorded Monuments) of the National Monuments (Amendment) Act 1930-2014. The Frameworks and Principles for the Protection of the Archaeological Heritage (Department of Arts, Heritage and the Gaeltacht and the Islands 1999, *see* section 3.6.1(3) and 3.6.4) sets out national policy on the protection of the archaeological heritage in the course of development. It includes emphasis on the non-renewable nature of the archaeological heritage, the need to always consider its preservation in-situ as the first option, and also the need to carry out appropriate levels and forms of archaeological assessment in advance of development. The National Planning Framework states that 'the protection of archaeological heritage is recognised as a core component to achieving sustainable development'.[1]

Section 3 of the National Monuments (Amendment) Act 1987 is the primary piece of legislation for the protection of wrecks over 100 years old and archaeological objects underwater, irrespective of age. Wrecks that are less than 100 years old and archaeological objects or the potential location of such a wreck or archaeological object can also be protected under Section 3 of the 1987 (Amendment) Act. Underwater Cultural Heritage also encompasses a broad range of underwater, riverine heritage, for example mills, mill races, quaysides, wharves, docks, the protection of which can be provided for in legal codes. The Wreck Inventory of Ireland Database (WIID) is the official register of historic shipwrecks protected under the National Monuments Acts. All wrecks over 100-years old are protected under the 1987 and 1994 (Amendment) Acts of the National Monuments Acts. Over 18,000 wrecks have been recorded to date, ranging from small fishing boats, dugout canoes and coastal traders to steamships and ocean-going ships. Though earlier sources have been included where obtainable, the Inventory is largely based on documentary sources available

[1] https://www.npf.ie/first-revision-to-the-national-planning-framework/national-planning-framework-first-revision-april-2025/

from after 1700 AD. As such, previously unrecorded wreck sites, including those dating to earlier periods, may await discovery in the area under consideration here.

Archaeology and Flood Relief Schemes: Guidelines (NMS 2023) were developed by the NMS of the Department, in close co-ordination with the OPW Flood Relief team, to support the efficient planning and development of FRS and the protection of archaeological heritage. The Guidelines provide a framework for the effective integration of archaeological heritage into the design and construction of FRS and describe the unique and broad range of terrestrial, underwater, industrial and vernacular archaeological heritage that these schemes typically encompass. They also detail the critical role of advance, early-design stage, pre consent/planning application, archaeological assessment and pre planning submission and pre construction stage mitigation of FRS projects in diminishing effects on archaeological heritage and avoiding delays to progressing projects.

The archaeological assessment of the project that has been undertaken as outlined in the Environmental Impact Assessment and its appendices facilitates the Department to determine its likely significant effects on cultural heritage (including archaeological and underwater cultural heritage) resulting from the construction of the project; and whether the proposed mitigation measures would adequately allow for the avoidance, reduction or offsetting of significant effects. Whilst the Department broadly concurs with the proposed detailed mitigation for each cultural heritage receptor during the construction and operational phases respectively as set out in Table 15.11 and Table 15.12 of the EIAR and Section 21.1 Summary of Mitigation Measures, in order to ensure the project fully aligns with statutory obligations, policies and guidelines for the protection of the State's archaeological heritage, the Department recommends the following Conditions are attached to consent for the project, should it be approved by An Coimisiún Pleanála.

Archaeological Recommendations:

EIAR Mitigation

1. All recommendations and mitigation measures for Cultural Heritage as set out in Burnfoot EIAR (Donegal County Council, RPS, May 2025) Chapter 15 Cultural Heritage (by John Cronin and Associates) and Section 21.1 Summary of Mitigation Measures shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order. Compliance with this condition, and those outlined below, shall require a formal statement in writing from the Department to An Coimisiún Pleanála that all mitigation measures and commitments have been implemented and approved to the satisfaction of the former.

Project Archaeologist

2. A Project Archaeologist shall be appointed to oversee and advise on all aspects of the Project, including detailed design, construction activities and the management of all archaeological and post-excavation works.

Site Investigations

3. All site investigation works shall be subject to archaeological assessment and licenced archaeological monitoring. The Developer shall furnish the Project Archaeologist with the results of all site investigation works and shall provide access to site investigation cores and physical samples for archaeological and, where warranted, geoarchaeological review. Where potential deposits or other anthropogenic materials of geoarchaeological interest are identified, they shall be subject to geoarchaeological and palaeoenvironmental analysis and scientific dating, in agreement with the Department. Following the completion of all geotechnical and archaeological works and any necessary post-excavation specialist analysis, the Department shall be furnished with a final archaeological report describing the results of the works.

Archaeological Impact Assessment Final Detailed Design

4. The Final Detailed Design for the project shall be the subject of an Archaeological Impact Assessment (AIA), to be submitted to the Department for review and approval, prior to the commencement of any construction or enabling works. The AIA report shall contain the following:
   a. Results of advance licenced archaeological test-excavations, accompanied by a hand-held metal detection survey, of areas identified for test excavations in EIAR Chapter 15 Cultural Heritage and any further areas of the proposed development area where significant potential for archaeological impact(s) arise as a result of detailed design works. The archaeological test-excavations shall be carried out under a Section 26 (National Monuments Act 1930) licence from the Department and in accordance with an approved method statement. Licensed metal detection shall be undertaken in tandem with the test excavations and under a Detection Device consent (Section 2 1987 National Monuments Act). All test-excavations that have the potential to uncover human skeletal remains shall be undertaken in conjunction with a suitably qualified osteoarchaeologist. Licences should be applied for to the Department and shall be accompanied by a detailed method statement.

   b. Results of buildings archaeology assessment by a suitably experienced buildings archaeologist of all known and potential archaeological and historical structures that may be directly impacted upon by the development. The assessment shall comprise of buildings archaeology investigations and recording (annotated plans, elevations,

sections, details of features and interpretative drawings derived from measured surveys, photographic surveys, digital surveys, opening-up works) that secures an understanding of their architectural phasing. The buildings archaeologist shall be facilitated on an ongoing basis to investigate and record fabric that has been exposed as a result of de-vegetation, the raking-out of mortars and opening-up works. The buildings archaeology investigations shall include: the production on site of photographic and digital/drawn measured surveys; annotated plans, elevations and sections; details of features, reused architectural/carved stones; retrieval of appropriate samples for scientific dating and lime mortar analysis. The buildings archaeology investigations shall inform the specifications for any proposed conservation works, as required.

c. A detailed AIA that addresses all identified or potential impacts on known and potential archaeological heritage, including on archaeological structures, objects, sites and features. The AIA shall make recommendations on measures to avoid or, where necessary, mitigate all identified potential/identified impacts and significant effects on archaeological heritage. The Developer shall be prepared to be advised by the Department in this regard or in regard to any subsequent recommendations that may issue. Mitigation shall prioritise redesign or partial redesign to facilitate full or partial preservation in situ. Mitigation may also include archaeological excavations ('preservation by record'), archaeological test-excavations, stabilisation/conservation works and/or archaeological monitoring, underwater archaeological inspection by means of archaeological diving, underwater archaeological surveys, buildings archaeology investigations or any combination of the above or any other mitigation measures as may be recommended by the Department. No construction works shall be undertaken until formal approval of the AIA has been received in writing by the Developer from the Department.

Archaeological Monitoring

5. Archaeological monitoring shall be undertaken as follows:

a. The services of a suitably qualified and experienced, to the satisfaction of the Department, archaeologist shall be engaged to carry out full-time archaeological monitoring of all construction activities that involve ground disturbance or demolition, in stream works and of any works where materials of archaeological significance may be uncovered.

b. The archaeological monitoring shall be carried out by a suitably qualified and experienced, to the satisfaction of the Department, archaeologist, under a Section

26 (National Monuments Act 1930) excavation licence and in accordance with an approved method statement.

c. A Finds Retrieval Strategy shall be implemented and agreed with the Department, as part of the archaeological licence application. This shall include for systematic finds retrieval and metal detection of all spoil, which shall be undertaken by a suitably qualified and experienced archaeologist working under a Detection Device consent (Section 2 1987 National Monuments Act). All monitoring works that have the potential to uncover human skeletal remains shall be undertaken in conjunction with a suitably qualified and experienced osteoarchaeologist. Secure finds storage that ensures the protection and conservation of wet and dry finds, including human skeletal remains, shall be provided within the construction site compound.

d. The monitoring archaeologist will be facilitated to undertake further buildings archaeology investigations, historical and architectural analysis and analytical assessment and recording of all historic structures, including Burnfoot Bridge, that will be impacted upon by the proposed development. The assessment shall comprise of buildings archaeology investigations and recording (annotated plans, elevations, sections, details of features and interpretative drawings derived from measured surveys, photographic surveys, digital surveys, opening-up works) that augment those undertaken as part of the detailed design AIA.

e. Sufficient, suitably experienced and qualified, to the satisfaction of the Department archaeologists shall be in place to ensure continuous archaeological monitoring of works. An archaeological team shall be on standby to deal with any rescue excavation and may be augmented as required. An archaeological dive team shall be mobilised in the event that underwater archaeological inspection is required by means of archaeological diving. All dive surveys shall be licenced (Section 3 1987 National Monuments Act) and shall include handheld metal detection survey, which shall also be licenced (Section 2 1987 National Monuments Act).

f. In order to ensure full communication is in place between the monitoring archaeologist(s) and the works contractor(s) at all times, a communication strategy shall be implemented that facilitates direct archaeological monitoring of all construction activities that involve ground disturbances or demolitions and of any works where materials of archaeological importance may be uncovered. Adequate notice (minimum four weeks) of all forthcoming works that require the attendance of the monitoring archaeologist(s) shall be provided by the works contractor.

g. Should suspected/verified archaeological structures, features, deposits or sites and/or archaeological objects, including wrecks, be identified during the course of the archaeological monitoring activities, the monitoring archaeologist shall be authorised by the Developer to suspend all construction activities on the affected area (as defined by the monitoring archaeologist). The Developer shall immediately institute a Temporary Archaeological Exclusion Zone (TAEZ) to the proposed find location and its environs (as defined by the monitoring archaeologist) and all construction activities shall immediately cease within the TAEZ in order to facilitate investigative assessment, protection and prompt notification to the NMS and other statutory authorities, as required.

h. Following assessment of the newly discovered archaeological materials, the Developer shall undertake any ensuing mitigating action as is required by the Department. Mitigation shall prioritise redesign or partial redesign to facilitate full or partial preservation in situ. Mitigation may also include archaeological excavations ('preservation by record'), archaeological test-excavations, stabilisation/conservation works and/or archaeological monitoring, underwater archaeological inspection by means of archaeological diving, underwater archaeological surveys, buildings archaeology investigations or any combination of the above or any other mitigation measures as may be recommended by the Department. No construction activities shall recommence within the Temporary Archaeological Exclusion Zone until formally agreed in writing with the Department. Where ensuing mitigation is required, no archaeological works shall be undertaken until after an amended method statement that describes the mitigation strategy has been submitted, reviewed and agreed in writing by the Department. All resulting and associated archaeological costs shall be borne by the Developer.

i. The planning authority and the Department shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological works and any post-excavation analysis, scientific dating programmes, palaeoenvironmental analysis, geoarchaeological analysis, conservation of archaeological objects, as required by the Department and the National Museum of Ireland, with all resulting and associated archaeological costs to be borne by the Developer. Where significant archaeological discoveries are made, they shall be fully published in an appropriate format and shall be subject to a public dissemination strategy that facilitates, where practicable, public access to archaeological excavations and archaeological information.

Construction Environment Management Plan

6. The Construction Environment Management Plan (CEMP) shall be updated to include the location of any and all archaeological or underwater cultural heritage constraints relevant to the proposed development as set out in the Final Design AIA and EIAR. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or underwater cultural heritage environment during all phases of site preparation and construction activity.

Nature Conservation

The Department considers that the Natura Impact Statement (NIS) contains sufficient information to inform the Appropriate Assessment to be undertaken by the Commission. Subject to the full and effective implementation of the avoidance and mitigation measures identified in the NIS, the Department has no objection to the proposed development on European-site grounds.

The Department notes that the construction-phase mitigation measures identified in the NIS are to be incorporated into a project-specific Construction Environmental Management Plan prior to the commencement of development.

This approach is acceptable provided that the mitigation measures relied upon in the NIS are already clearly defined and that the final CEMP is used to translate those measures into detailed and enforceable construction procedures. The final CEMP must not omit, weaken, replace or materially alter any mitigation measure relied upon in reaching the Appropriate Assessment conclusion, nor should the design of any essential mitigation measure be deferred until after approval.

The CEMP should include:

- A schedule of all mitigation and monitoring measures contained in the NIS;
- The location and timing of each measure;
- Clearly assigned responsibilities for implementation;
- Requirements for ecological supervision and inspection;

- Surface-water, sediment and pollution-control arrangements;
- Procedures for incident response and corrective action;
- Monitoring of the effectiveness of the mitigation measures; and
- Record-keeping and reporting arrangements.

Should An Coimisiún Pleanála decide to approve the proposed development, the Department recommends that the following conditions be attached.

- Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare a final project-specific Construction Environmental Management Plan. The CEMP shall incorporate in full all avoidance, mitigation, monitoring and ecological protection measures identified in the Natura Impact Statement, Environmental Impact Assessment Report and associated application documentation.

- The CEMP shall set out the location, timing and method of implementation of each measure; the persons responsible for its implementation and supervision; the monitoring and inspection requirements; and the procedures to be followed where non-compliance or an environmental incident occurs.

- No measure relied upon for the purposes of Appropriate Assessment shall be omitted, weakened, replaced or materially altered through the preparation or implementation of the CEMP. The development shall be carried out in strict accordance with the final CEMP and the mitigation measures contained in the Natura Impact Statement.

- A record demonstrating implementation of and compliance with the CEMP shall be maintained by the local authority for the duration of the construction works and shall be retained as part of the project record.

You are requested to send any further communications to this Department's Development Applications Unit (DAU) referrals@npws.gov.ie, or to the following address:

The Manager
Development Applications Unit (DAU)
Government Offices
Newtown Road
Wexford
Y35 AP90

Is mise, le meas

Colette McCormack
Development Applications Unit
Administration