



As required by the Board the applicant published notices in respect of the submission of the Natura Impact Statement and details of same were submitted to the Board on the 22nd of October 2019.

1.1. An Observation submitted from O'Neill Housing Ltd. was received by the Board on the 4th of November 2019. The issues raised are as follows;

- The applicant Ballyknockan Homes Ltd. state that they plan to use the pumping station on the adjoining estate "Friars Lough". Carlow County Council required in the further information that the applicant verify if permission has been obtained from the owner of the existing foul effluent pumping station on the adjacent site to add additional foul effluent generated by the proposed 39 no. dwellings.
- Martin O'Neill the Director of O'Neill Housing Ltd. states that he is the land owner of Friar's Lough and the pumping station and that no permission was sought or provided for the pumping station to be used for this purpose.
- Mr. O'Neill states that if Ballyknockan Homes are planning to build their own pumping station on their site then the Board should disregard the observation from O'Neill Housing Ltd.

1.2. A further submission from Carlow County Council was received by the Board on the 9th of December 2019.

- The Planning Authority stated that they deemed that insufficient information has been submitted to enable the complete assessment of the

viability/feasibility or otherwise of the network infrastructure/services available to cater for the proposed development.

1.3. The applicant Ballyknockan Homes Ltd. submitted a response to the submission made by O'Neill Housing Ltd. on the 19th of December 2019.

- The submission refers to the service easement agreement of July 2008 made between the developer of Ballyknockan Manor and the developer of Friars Lough.
- The applicant states that the agreement grants the following rights to the developer of Ballyknockan Manor.
- Right at all time for the passage of (sewage) through conduits, which are now, or which may at any time be laid under or over lands at folio CW19531F to the public sewer.
- Right of access to lands at folio CW19531F to carry out works etc on conduits.
- Right to lay conduits on folio CW19531F.
- The developer also covenants not to interfere in any way with the passage of sewerage through the conduits.
- The submission includes a copy of O'Neill Housing Limited folio (CW29408F) which derived from folio CW19531F and Ballyknockan Homes folio (CW30026F) which is derived from folio CW25404F.
- The applicant submits that having regard to the details and documentation, provided that there is a permission/agreement that exists to allow connection into the existing pumping station on the adjacent site.
- In conclusion, the applicant respectfully requests that the Board disregard the submission from O'Neill Housing Limited.

Having regard to all of the above and having examined the information before me, consider that the applicant has demonstrated that they have legal title to use the pumping station and sewers in the Friars Lough development.

In conclusion, having reviewed and assessed the further submissions, I would recommend that as per my previous recommendation that permission be granted for the proposed development.

Siobhan Carroll
Planning Inspector

7th of January 2020