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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 17/234**

**Appeal** by Irish Water of Colvill House, 24-26 Talbot Street, Dublin against the decision made on the 19<sup>th</sup> day of December, 2017 by Kilkenny County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:**

1. Provision of a new waste water treatment plant in the townland of Kilcross, Inistioge which will consist of: (a) new entrance, (b) control building (gross floor area of building, 64 square metres), (c) treatment process and settlement tanks, including works to connect to existing incoming and outfall pipework, (d) storm water storage tank and associated pipeworks, (e) all ancillary works including fencing, lighting, ventilation, landscaping and site roads, and (f) decommissioning and demolition of existing waste water treatment works (WWTW). 2. Provision of a new pumping station in the townland of Inistioge which will consist of: (a) alterations to existing site entrance, (b) pumping station, sump and valve chamber, (c) control panel and weatherproof enclosure, (d) storm water overflow to the River Nore including upgrade of existing bankside outfall, (e) all ancillary works including boundary wall, fencing, lighting, ventilation, landscaping and site access road, and (f) decommissioning and demolition of existing pumping station and control

building. 3. Rising main crossing under the River Nore (works to be carried out using trenchless techniques) at Inistioge, County Kilkenny

## **Decision**

**Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 9(c) and the reason therefor.**

## **Reasons and Considerations**

The Board noted the anomalies contained on drawing number 8019-2053 regarding the proposed abandonment of the existing rising main that is attached to the protected bridge structure, and the fact that two new crossings of the River Nore (including a spare rising mains) are proposed as part of the development. However, whilst the Board concurred with the planning authority that the removal of the rising main from the bridge would be preferable, the Board considered that the removal was not specifically referenced in the public notices for the proposed development and that it was not clearly stated in any of the written documentation submitted with the application that the existing main would be completely redundant following the proposed development. For these reasons, it is recommended by the Board, that condition number 9(c) attached to the planning authority decision should be omitted.

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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**Maria FitzGerald**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2018.**