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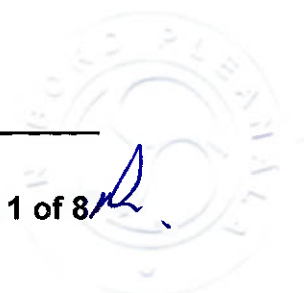
**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 22/784**

**Appeal** by John Loughlin of Confey, Leixlip, County Kildare and by Vincent McLaughlin of Greenhall, Confey, Leixlip, County Kildare against the decision made on the 13<sup>th</sup> day of January, 2023 by Kildare County Council to grant subject to conditions a permission to Irish Water care of Ryan Hanley Consulting Engineers of 1 Galway Business Park, Dangan, Galway in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The development will traverse the administrative areas of both Kildare County Council and Meath County Council. The development within the Kildare County Council administrative area will consist of: (a) Permanent Mechanical, Electrical, Instrumentation, Control and Automation (MEICA) upgrade works, upgrade of the existing chemical dosing system and ancillary works at the Maynooth Wastewater Pumping Station (WWPS) site in the townland of Mariavilla; and (b) Provision of approximately 7.9 kilometres new pipeline (approximately 9.8 kilometres total development length within Kildare and Meath) and associated infrastructure (air valves, scour valves, flow meter, ventilation columns etc.) between the Maynooth WWPS and existing Irish Water infrastructure along the R149 in the townland of Confey at Mariavilla, Carton Demesne, Oldcarton, Catherinestown, Kellystown, Ravensdale, Sion and Confey, County Kildare.



## **Decision**

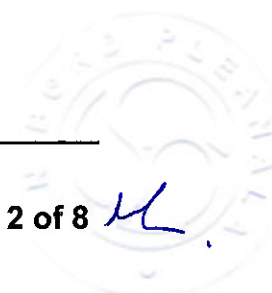
**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Reasons and Considerations**

Having regard to the provisions of the Kildare County Development Plan 2023–2029, the nature of the proposed development and the character of the surrounding area, it is considered that the proposed development, subject to compliance with the conditions set out below, would not be seriously injurious to the residential amenities of the area or property in the vicinity of the site, would be acceptable in terms of built heritage and traffic safety and convenience, would not be prejudicial to public health and would accord with both national and regional policy in relation to wastewater. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment Screening**

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in-combination with other plans or projects could have a significant effect on the Rye Water Valley/Carton Special Area of Conservation (Site Code: 001398), in view of the site's Conservation Objectives, and Appropriate Assessment and submission of a NIS is, therefore, required.

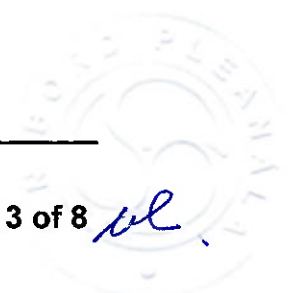


## **Appropriate Assessment**

Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site Rye Water Valley/Carnton Special Area of Conservation (Site Code: 001398), or any other European site, in view of the site's Conservation Objectives.

This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the Rye Water Valley/Carnton Special Area of Conservation (Site Code: 001398);
- Detailed assessment of in-combination effects with other plans and projects including current proposals and future plans;
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Rye Water Valley/Carnton Special Area of Conservation (Site Code: 001398).



## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 9<sup>th</sup> day of December, 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

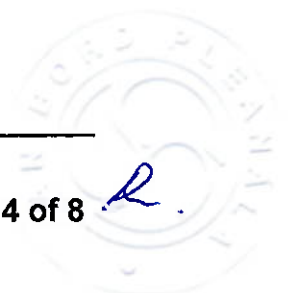
**Reason:** In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Assessment and Ecological Impact Assessment Report, shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment and in the interest of public health.

3. Prior to commencement of development, the applicant shall submit for the written agreement of the planning authority, a detailed condition survey of the Carton Demesne wall in compliance with the Architectural Heritage Impact Statement (December 2022). The wall shall be inspected at regular intervals during the construction phase and any damage repaired and made good immediately.

**Reason:** In the interest of best practice conservation of architectural heritage.



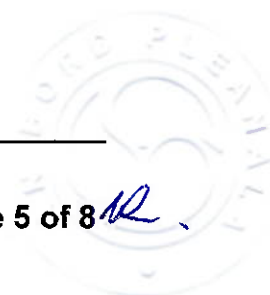
4. Any trees or hedgerows removed to facilitate the development shall be replaced in the following planting season with semi-mature species. A maintenance programme shall be put in place and any species which fail to establish within three years of planting shall be replaced in the first planting season thereafter.

**Reason:** In the interest of biodiversity.

5. The access road serving the Maynooth Wastewater Pumping Station, including footpaths, kerbs and sightlines shall comply with the detailed standards of the planning authority for such road works, and shall comply, in all respects, with the standards set out in the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in May 2019 (updated September 2023).

**Reason:** In the interest of traffic and pedestrian safety.

6. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within greenfield areas of the proposed pipeline during the construction phase site. In this regard, the developer shall:
  - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development.

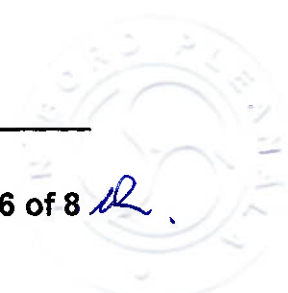


- (b) all ground reduction should be subject to a programme of archaeological monitoring, under licence, by a suitably qualified archaeologist.
- (c) where archaeological material is shown to be present, avoidance, preservation in situ, or preservation by record (excavation) may be required. Works may be halted pending receipt of advice from the National Monuments Service, Department of Housing, Local Government and Heritage who will advise the applicant / developer with regard to these matters.
- (d) on completion of monitoring of ground reduction and any archaeological excavations arising, the archaeologist shall submit a written report to the planning authority and to the Department of Housing, Local Government and Heritage for consideration.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

- 7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

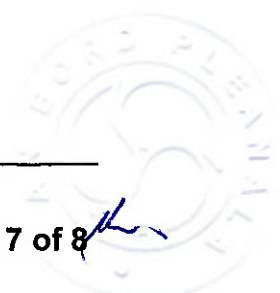


8. The noise level shall not exceed 55 dB(A) rated sound level, as measured at the nearest noise sensitive location. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of residential amenity.

9. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition 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 sustainable waste management.



10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

  
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**Mick Long**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board**

Dated this 8<sup>th</sup> day of February 2024