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**Planning and Development Act 2000, as amended**

**Planning Authority: Carlow County Council**

**Planning Register Reference Number: 25/60190**

**APPEAL** by Liam Minogue on behalf of Stephen and Margaret Murphy against the decision made on the 4<sup>th</sup> day of November, 2025, by Carlow County Council to grant, subject to conditions, a permission to Kevin O'Donnell in accordance with the plans and particulars lodged with the said Council.

**Proposed Development:** To install an underground wastewater treatment system together with all other associated site works at Milltown, Garyhill, County Carlow.

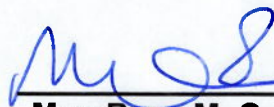
## **Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## Reasons and Considerations

Having regard to the Carlow County Development Plan 2022-2028, in particular Policy WW P1, which requires that private wastewater treatment systems for individual houses, where permitted, comply with the recommendations contained within the EPA Code of Practice for Domestic Waste Water Treatment Systems (2021) (EPA COP), and Section 16.11.3 Domestic Wastewater of Chapter 16 Development Management Standards, which requires an applicant for permission to demonstrate compliance with the said EPA COP, and having regard to the significant floor area of the existing dwelling, the restricted size of the appeal site which impacts upon the applicant's ability to comply with the separation distances set out by the EPA COP, the inaccurate and conflicting information set out in the submitted site characterisation report, and the absence of adequate information regarding the location of the surface water soakpit, or the neighbouring sewage treatment system or former sewage treatment system that served the subject property, the Commission considered that the applicant had failed to demonstrate compliance with the Development Plan standards, and the Commission could not be satisfied that the proposed development would not pose an unacceptable risk to public health and to the receiving environment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Furthermore, having regard to the poor quality of the underlying aquifer with a moderate vulnerability, the location of the Burren River circa 200 metres to the east of the site, and the location of the subject site within the Barrow groundwater catchment, the Commission, on the basis of the insufficient and conflicting information submitted, could not be satisfied that the proposed development would not result in a risk of deterioration on any water body either qualitatively or quantitatively, or on a temporary or permanent basis, or that the development would not otherwise jeopardise any water body in reaching its Water Framework Directive objectives. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



**MaryRose McGovern**

**Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.**



Dated this *13<sup>th</sup>* day of *April* 2026.