Our Case Number: ABP-310980-21

An Bord Pleanála

Majella Keating
Irish Water
Covili House
24-26 Talbot Street
Dublin 1
D01 NP86

Date: 10th October 2022

Re: Upgrade of an existing Waste Water Treatment Plant at Mortarstown Co Carlow and the upgrade of an existing waste water pumping station, Kilkenny Road Carlow.
Mortarstown and Kilkenny Road, Co. Carlow

Dear Madam,

I have been asked by An Bord Pleanála to refer further to the above-mentioned pre-application consultation request.

Please find enclosed a copy of the written record of the third meeting of the 29th September, 2022.

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

Please quote the above-mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Sarah Caulfield
Executive Officer
Direct Line: 01-8737287

PC07

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An Bord Pleanála

Record of Meeting

ABP-310980-21- 3rd Meeting

Description	ABP-310980-21 – Upgrade of an existing Wastewater Treatment Plant at Mortarstown Co Carlow and the upgrade of an existing wastewater pumping station, Kilkenny Road Carlow.		
Case Type	Pre-application Consultation.		
1st / 2nd / 3rd Meeting	3rd Meeting		
Venue	Virtually by Microsoft Teams		
Date	29/09/2022	**Time**	11:00am – 11:35am

Representing An Bord Pleanála		
Brendan Wyse, Assistant Director of Planning (Chair)		
Mairead Kenny, Senior Planning Inspector		
Sarah Caulfield, Executive Officer	s.caulfield@pleanala.ie	01-8737287
Representing the Prospective Applicant		
Majella Keating - Planning Specialist, Irish Water		
Dawid Wozniak - Regional Delivery Lead, Irish Water		
Pat Egan - Design Engineer, Atkins		
Michael Brazil - Project Manager, Carlow County Council		
Aiden O'Neill - Planner, Coakely O'Neill		

Introduction:

The Board referred to its previous meeting with the prospective applicant on the 20th July, 2022 and the record of this meeting. The Board asked if the prospective applicants had any comments it wished to make on the record of this meeting; the prospective applicant replied that it had no comments to make.

Presentation by the prospective applicant:

The prospective applicant provided a brief recap on the previous meeting and said the focus of today's meeting would be on the supporting statement issued to the Board on the 22nd July 2022, which concluded that the proposed development would not meet the criteria set out in Section 37(A)(2) of the Planning and Development Act 2000, as amended (copy on file).

It was noted by the prospective applicant that while water infrastructure is listed as a strategic investment priority in the National Planning Framework (NPF), neither the NPF nor the Regional Spatial and Economic Strategy (RSES) includes any prescriptive policies or objectives regarding the proposed development. Additionally, it said there is no specific objective in either national or regional policy in respect of the proposed development. The prospective applicant noted that while the proposed development is of local importance and is specific to the growth and development of Carlow Town and its environs it cannot be seen as a development of a significant nature.

Regarding section 37A(2)(b) of the Planning and Development Act 2000, as amended, the prospective applicant said Carlow and Graiguecullen are identified as key towns, but the proposed development is not identified as a specific enabler of regional growth in either the NPF or RSES. It was noted that the NPF establishes targeted growth objectives for the southern region including the addition of between 340,000 – 380,000 people and 225,000 additional jobs by 2040. It said the proposed upgrades to provide an additional capacity of 22,000 p.e. would not itself contribute substantially to these targets.

In relation to section 37A(2)(c), the prospective applicant considers that the proposed development would not have a significant effect on the area of more than

one planning authority. It said that while the agglomeration extends into County Laois, including Graiguecullen and parts of Killeshin, no works are proposed in County Laois and flows from these areas will continue to be transferred to Mortarstown wastewater treatment plant.

The prospective applicant provided two precedent cases which the Board determined not to be SID; upgrades to Nenagh wastewater treatment plant (An Bord Pleanála reference ABP- 311036-21) and Ballybofey-Stranorlar Wastewater Treatment Plant (An Bord Pleanála reference: ABP- PL05.PC0195).

The prospective applicant referred to a precedent case for an expansion and upgrading of the existing Ringsend Wastewater Treatment Plant (An Bord Pleanála reference: ABP- PC0203), which the Board determined would be of strategic economic importance to the State and region. It said the Regional Planning Guidelines at the time specifically identified this development as a critical strategic project. Additionally, it discussed upgrades at Arklow Sewerage Scheme Wastewater Treatment Plant (An Bord Pleanála reference: ABP-PC0202), where the Board considered that the proposed development comprises necessary infrastructure to harness the identified strategic role of the town as a growth town and that the Regional Planning Guidelines also specifically identified a requirement for the development of a high quality treatment plant in Arklow and, therefore, qualified as SID, under section 37A(2)(a) and (b).

In conclusion, the prospective applicant said that the generality of the objectives in both the NPF and the RSES could not be construed as meeting the condition set out in section 37A(2)(a) and or (b) in the context of the proposed development and it is their view that the intent of section 37(A)(2)(a) and (b) relates to specific, or named, projects that are strategic in nature and/or scale.

Discussion

The following matters were discussed:

- The Board's representatives said their preliminary view remains that the proposed development would constitute SID but said the final decision would be a matter for the Board. They agreed that neither the NPF nor the RSES

include prescriptive policies or objectives in relation specifically to the proposed development. However, Carlow Town is identified as one of the top 6 key towns in the RSES, has an inter-regional function and is an identified self-sustaining regional driver. Additionally, the Board's representatives said wastewater capacity is identified as one of the key strategic investment priorities for Carlow in the RSES and, therefore, the proposed development may qualify as SID under section 37A(2)(a) and (b).

- Regarding the precedent cases provided by the prospective applicant, the Board's representatives said the upgrades at the Arklow WwTP may be the most comparable of the projects and said the Inspector's Report doesn't just conclude that this project falls under SID because it was listed within the Regional Planning Guidelines. The Inspector also cited the development as comprising necessary infrastructure to harness the identified strategic role of the town. Also, the upgrades at Arklow WwTP contributed to the fulfilment of a number of broad objectives and statements in the NPF and the Regional Planning Guidelines and it would provide necessary infrastructure to facilitate the planned growth in the region. The Board's representatives noted that many of the considerations relevant to the Arklow project also apply in the context of the proposed development.

- The Board's representatives said the determination of the proposed development as SID primarily relies on the scale of the uplift (22,000 p.e),the significant role of Carlow identified as key town and regional driver in the Southern Region and the specific objective that investment in wastewater infrastructure is identified as a key strategic infrastructure requirement for the town.

- In relation to section 37A(2)(c), the prospective applicant said, given the scale of Graiguecullen and Killeshin, it considers that treatment of wastewater from these areas would not constitute having a significant effect in the area of more than one planning authority. The Board's representatives did not offer a conclusive opinion on this particular matter.

Conclusion

The record of the meeting will issue to the prospective applicant, and it will then be a matter for the prospective applicant to submit any comments on this if it wishes to do so. It will be a matter for the prospective applicant to revert to the Board if it requires a further meeting or if it wishes to close the pre-application consultation process.

Brendan Wyse

Assistant Director of Planning

7th October 2022