



An  
Coimisiún  
Pleanála

## Inspector's Report

**ABP-310980-21**

Development	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.
Location	Mortarstown and Kilkenny Road, Co. Carlow
Planning Authority	Carlow County Council
Prospective Applicant	Irish Water
Type of Application	Pre-Application Consultation under Section 37B of the Planning and Development Act 2000, as amended
Date of Site Inspection	10 <sup>th</sup> December 2025
Inspector	T Bradley

## **1.0 Introduction**

Under the provisions of Section 37B of the Planning and Development Act 2000, as amended (PDA), Irish Water has made a pre-application request to An Coimisiún Pleanála (An Coimisiún) for the development consisting of Upgrade of an existing Waste Water Treatment Plant (WwTP) at Mortarstown, Co Carlow and the upgrade of an existing Waste Water Pumping Station (WwPS) at Kilkenny Road, Co. Carlow.

The proposed development is in the local authority of Carlow County Council (CCC).

An Coimisiún is requested to determine whether the proposed development constitutes Strategic Infrastructure Development (SID). Following several meetings, the prospective applicant is of the view that the proposed development constitutes SID.

An Coimisiún should note that this application was initially submitted in July 2021 and the applicant's position in respect of SID has changed and was confirmed in a meeting in May 2025.

## **2.0 Site Location and Description**

### **2.1. Waste Water Treatment Plant**

The existing Mortarstown WwTP is located approximately 2.2 km to the south of Carlow Town Centre, in the townland of Mortarstown Upper off Green Road. This existing site is approximately 3.66 ha and is largely bounded by agricultural lands. The Tyndall College is located further south. There are housing estates in proximity also. The Kilkenny Road, Regional Road R488, is to the west.

It is intended to extend the site westward into the agricultural lands which slopes down to the River Barrow which is approximately 250 m to the west. Including these lands, the site would be approximately 4.9 ha. An effluent outfall pipe currently runs under these lands and the Kilkenny Road (R488) to the River Barrow.

The site is zoned for Utilities & Strategic Infrastructure, which is to provide for the needs of all transport users and other utility providers. There are no built heritage features of note. The site is in proximity to the River Barrow and River Nore Special Area of Conservation (SAC) (Site Code: 002162). There is no known flood issues associated with the site.

## **2.2. Waste Water Pumping Station**

The existing Kilkenny Road WwPS is located approximately 4 km south of Carlow Town Centre on the Kilkenny Road (R488), between the road and River Barrow. The South East Technological University is located to the east. Additional lands to the south are required to facilitate the upgrade. These lands are undeveloped and comprise trees and scrub.

The site is zoned for Amenity & Open Space which is to preserve, provide for and improve active and passive recreational public and private open space. There are no built heritage features of note. The site adjoins the River Barrow and River Nore SAC (Site Code: 002162). The site being adjacent to the river has a high probability of fluvial flooding.

## **3.0 Prospective Development**

The proposed development involves upgrades to the existing WwTP and the WwPS. The capacity of the WwTP is 36,000 PE and it is intended to upgrade the capacity of the plant to 58,000 PE. The key drivers for the expansion of the Mortarstown WwTP are as follows;

- To alleviate current overloading;
- To improve compliance with the Urban Wastewater Treatment Directive; and
- To enable growth in the agglomeration

There is an EPA Wastewater Discharge Licence for the agglomeration issued in 2008 (EPA Ref: D0028-01). Alongside the requirement for planning permission, a review of EPA licensing will also be necessary for the project.

The particulars submitted as part of the pre-application consultation sets out the prospective development, which, in summary, includes the following as stated in a submission letter dated 10<sup>th</sup> April 2025,

### **3.1. Waste Water Treatment Plant**

- Provision of foul pumping station for local agglomeration adjacent to existing inlet works (supplemented by standby generator)
- Provision of a fuel storage tank and standby diesel generator to service the WwTP.

- Provision of new inlet works to include fine screening, mechanically raked by-pass screen, screening compaction and conveyance to skips, grit removal, grit classification and conveyance to skips. The new inlet works to be provided with an odour treatment unit.
- Provision of 2 no. stormwater storage tanks and 2 no. stormwater return pumps.
- Existing final settlement tanks to be retained, cleaned and decommissioned.
- Provision of 4 no. primary settlement tanks and scraper systems.
- Provision of 4 no. primary sludge pumps.
- Provision of 4 no. air blowers and modifications to existing air delivery pipework
- Provision of new air blower building.
- Provision of new fine bubble diffused air system in existing aeration tanks.
- Provision of 2 no. final settlement tanks with half-bridge scrapers.
- Provision of new RAS/WAS pumping station and station fitted with 2 no. RAS pumps and 2 no. WAS pumps.
- Structural refurbishment of picket fence tanks.
- Mechanical and electrical refurbishment of existing picket fence thickener and conversion of second existing tank to a sludge blending tank.
- Provision of 2 no. additional picket fence tank thickener.
- Provision of 1 no. belt press, polymer prep unit and polymer dosing pumps.
- Provision of new pumped sludge transfer system.
- Provision of sludge import facility.
- Provision of 1 no. new outfall chamber and outfall pipe.
- Modifications to existing administration building.
- Provision of MEICA and SCADA upgrades.
- New storage shed and associated gantry.
- Demolition of existing inlet works structure.
- Existing service relocations.
- General civil site works.

### **3.2. Waste Water Pumping Station**

- Provision of 1 no. terminal pump station.

- Provision of 4 no. raw sewerage pumps inclusive of MEICA works.
- Provision of 1 No. standby generator and associated fuel storage.
- Provision of 1 no. odour control unit.
- Provision of 1 no. flow meter chamber

### **3.3. Microtunnel Gravity Trunk Sewer**

- Provision of 775m microtunnel gravity sewer (Ø1200mm internal diameter) from the south side of the existing Kilkenny Road Pumping Station to the wet well of the new pumping station to be constructed adjacent the new inlet works of the upgraded WwTP. The microtunnel will be routed along the R448 Kilkenny Road before it traverses agricultural land to connect to the WwTP.
- The microtunnel comprises an interception manhole, 2 no. launch shafts and 2 no. reception shafts where the main launching facilities are proposed at the main PS shaft in the WwTP area.

## **4.0 Planning History**

A review of the CCC Planning Portal and An Coimisiún's case files was carried out in December 2025 to collate any relevant planning history for the site. No planning history was considered relevant.

## **5.0 Precedent**

A review of An Coimisiún's case files was carried out in December 2025 to collate any relevant planning precedent cases for this class of development. There is precedent specific to the circumstance of this application where the proposed development would be a WwTP with a capacity greater than a population equivalent of 10,000 including: Nenagh (311036), Ballybofey (PC0195). In both cases An Coimisiún considered the proposed development did not constitute SID. There are larger projects which met the definition of SID, including Ringsend (PC0202), Arklow (PC0202).

## **6.0 Legislative Context**

### **6.1. Strategic Infrastructure Development**

In the context of the prospective development, Section 2 (1) of the PDA defines 'strategic infrastructure' as including, *inter alia*:

- (a) *any proposed development in respect of which a notice has been served under section 37B (4) (a)*

Section 37A of the PDA states that:

- (1) *An application for permission for any development specified in the Seventh Schedule (inserted by the Planning and Development (Strategic Infrastructure) Act 2006) shall, if the following condition is satisfied, be made to the Board under section 37E and not to a planning authority.*
- (2) *That condition is that, following consultations under section 37B, the Board serves on the prospective applicant a notice in writing under that section stating that, in the opinion of the Board, the proposed development would, if carried out, fall within one or more Of the following paragraphs, namely—*
- (a) *the development would be of strategic economic or social importance to the State or the region in which it would be situate,*
- (b) *the development would contribute substantially to the fulfilment of any of the objectives in the National Planning Framework or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate,*
- (c) *the development would have a significant effect on the area of more than one*
- planning authority.*

The Seventh Schedule which sets out infrastructure developments for the purposes of Sections 37A and 37B and includes:

*Environmental Infrastructure*

3.— *Development comprising or for the purposes of any of the following:*

*.....*

- *A waste water treatment plant with a capacity greater than a population equivalent of 10,000 and, for the purpose of this provision, population equivalent shall be determined in accordance with Article 2, point 6, of Council Directive 91/271/EEC.*

## **6.2. Environmental Impact Assessment**

Schedule 5 of the Planning and Development Regulations 2001, as amended (PDR) transposes Annex I and II of the EIA Directive and sets out prescribed classes of development, for which an environmental impact assessment is required.

The following classes are noted:

### ***Part 1 Class 13***

*Waste water treatment plants with a capacity exceeding 150,000 population equivalent as defined in Article 2, point (6), of Directive 91/271/EEC.*

### ***Part 2, Class 13 (a)***

*Any change or extension of development which would (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and (ii) result in size greater than 25%, or an amount equal to 50% of the appropriate threshold, whichever is the greater.*

The prospective applicant considers that an Environmental Impact Assessment Report may be required under Part 2, Class 13 (a) Changes and Extensions.

## **6.3. Appropriate Assessment**

Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora ('the Habitats Directive') is European Community legislation aimed at nature conservation.

The Habitats Directive requires that where a plan or project is likely to have a significant effect on a European site(s), (and where the plan or project is not directly connected with or necessary to the nature conservation management of the European site), the plan or project will be subject to Appropriate Assessment (AA) to identify any implications for the European site(s) in view of the site's Conservation Objectives. The Habitats Directive is transposed into Irish law by Part XAB of the PDA, and the PDR.

The prospective applicant expects to submit a Natura Impact Assessment.

## **7.0 Submission of the Prospective Applicant**

An Coimisiún should note that this application was initially submitted in July 2021. At that time, the prospective applicant set out the following information:

- An initial submission prepared by Irish Water accompanied the application in respect of this case file.
- The submission considered the development location, description and need. The prospective applicant provided an outline of what it considered the relevant provision in the Seventh Schedule (see Section 7.1 below) and in particular that it is a waste WwTP with a capacity greater than a population equivalent of 10,000
- The submission goes on to provide an outline of whether the development would be of strategic economic or social importance to the state or region and the relevant national and regional policies
  - Project Ireland 2040: National Planning Framework (NPF):
    - NPO 63 (Provision of Water Services Infrastructure)
    - NSO 9 (Compliance with Urban Wastewater Directive)
  - Southern Regional Spatial & Economic Strategy 2030 (RSES)
    - RPO 211 (Implementation of Irish Water Investment Plans)
    - RPO 212 (Strategic Wastewater Treatment Facilities)
    - RPO 214 (Eliminating Untreated Discharges & Long-term Planning)
    - RPO 14 (Strengthening role of Carlow Town)
      - Carlow is one of fourteen 'Key Towns' which has a list of infrastructural requirements including upgrading and development of wastewater infrastructure to support anticipated growth.
- Having regard to Carlow's interregional role and with a significant planned increase in the capacity of the Mortarstown Treatment Plant, and framed in the context set out above, it could be considered that the proposal would be of strategic importance to the region.
- It is questionable whether the subject project can reasonably be considered to 'contribute substantially' to the fulfilment of an RSES objective. When viewed in the context of the 'interregional' role of the town however, Irish Water consider that the project could be considered to contribute to the fulfilment of RPO 14 of the RSES.
- The agglomeration extends into parts of the Laois County Council (LCC) administrative area such as Graiguecullen and Killeslin to the north west of

Carlow Town. It could be considered that the proposed development would have a significant effect on the area of more than one planning authority.

In its submission of April 2025, it provided the following additional information which have informed certain design changes in relation to:

- the presence of Annex I priority habitat type (Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*) adjacent to the existing Wastewater Pumping Station (WwPS) and at the outfall route
- updates in the population figures from Census 2022 results and the updated project design horizon years.
- recent influent flow and load data provided by Uisce Éireann in November 2024

In December 2025, the applicant requested to close the pre-application file.

## **8.0 Meetings with the Prospective Applicant**

Meetings were held with the prospective applicant on:

- 30<sup>th</sup> September 2021
- 20<sup>th</sup> July 2022
- 29<sup>th</sup> September 2022
- 21<sup>st</sup> May 2025

Following the meeting of 20<sup>th</sup> July 2022, the prospective applicant wrote to An Coimisiún (22<sup>nd</sup> July 2022) and outlined its position that the development would not meet the criteria for SID given the objectives in both the NPF and RSES are general and not specific to meet the conditions of 37 (A) (2) (a) and (b). The development is not identified as a specific enabler of regional growth for Carlow and would not in of itself contribute significantly to the fulfilment of targeted growth for the southern region. The prospective applicant provides several precedents cases. A further meeting took place on the 29<sup>th</sup> of September 2022 to discuss the content of the letter of 22<sup>nd</sup> July 2022.

In May 2025, An Coimisiún and the prospective applicant met for a fourth occasion. In this meeting the position of the An Coimisiún and the preliminary opinion of its representatives was that the proposed development constitutes SID. The prospective applicant acknowledged this position.

The details of these meetings are set out in the record contained on the file.

## **9.0 Assessment**

The key threshold to determine SID in this instance is the capacity and whether it is greater than a population equivalent (PE) of 10,000. The proposed development will provide an additional capacity of 22,000 PE to the existing 36,000 PE WwTP. Once operational the WwTP will have a capacity of 58,000 PE. While it is acknowledged that the proposed development is an extension as such to an existing asset. The proposed development would effectively meet the SID threshold twice, were it to be considered in of itself.

Having regard to the stated total population equivalent of the proposed development, it can be reasonably concluded that the prospective development may constitute SID under the Seventh Schedule (Environmental Infrastructure).

### **9.1. Conditions for SID**

Accordingly, under Section 37A (2), the proposed development must fall within one or more of the conditions set out above in Section 7.1

The development would be of strategic economic and social importance to the state due to the significant economic contribution to the region and to the country as a whole. The development has the potential to have a strategic impact in meeting National Strategic Outcome (9) of the National Planning Framework First Revision April 2025 (NPF) which seeks:

- Bringing and maintaining public water and wastewater services to acceptable international benchmarks, verified by independent monitoring and reporting.;
- Devising detailed network and capacity assessments to support the provision of water services infrastructure that facilitates housing and economic development in the priority towns and urban areas identified in the Regional Spatial and Economic Strategies, in order to ensure plan-led development decisions are underpinned by coordinated investment plans; and

Supporting the growth of identified settlements where these are prioritised in development plan core strategies at a county/city level. In addition, it will contribute to the following National Policy Objective(NPO):

- **NPO 92:** Ensure the alignment of planned growth with the efficient and sustainable use and development of water resources and water services infrastructure, in order to manage and conserve water resources in a manner that supports a healthy society, economic development requirements and a cleaner environment.

At a regional level, Carlow is one of fourteen 'Key Towns' which has a list of infrastructural requirements including upgrading and development of wastewater infrastructure to support anticipated growth. Having regard to Carlow's interregional role and framed in the context set out above, it could be considered that the proposal would be of strategic importance to the region.

While the prospective applicant has questioned whether the project can reasonably be considered to 'contribute substantially' to the fulfilment of an RSES objective. When viewed in the context of the 'interregional' role of the town however, it is considered that the project could contribute to the fulfilment of RPO 14 of the RSES:

#### RPO 14 Carlow

- a. To strengthen and support the role of Carlow Town as a self-sustaining regional and inter-regional economic driver supporting investment in the strategic employment development potential of the town....
  - iv. To seek investment in water and wastewater infrastructure to facilitate the sustainable development of the town as a regional growth centre;
  - vii. To support the delivery of the infrastructural requirements identified for Carlow subject to the outcome of the planning process and environmental assessments;

The development would, therefore, satisfy the requirement set out in section 37A (2) (a). The proposed development would contribute to the objectives of the NPF and the provisions of the RSES.

Having regard to the above, it is considered that the development would meet relevant national policy objectives of the NPF and would serve to fulfil the relevant regional policy objectives of the RSES. The development would, therefore, satisfy the requirement set out in section 37A (2) (b) of the PDA.

The site is fully contained within the area of one planning authority, CCC. Whilst the site is in relative proximity to the border of LCC with the potential to serve the population equivalent in that area, it is not considered the development will have a significant effect on the area of more than one planning authority. The development would not come within the scope Section 37A (2) (c).

## **9.2. Prescribed Bodies**

In view of the nature and location of the proposed development, as described in this report, it is recommended that the prospective applicant should consult with the prescribed bodies listed in the attached Appendix in respect of any future application for approval.

## **10.0 Recommendation**

Based on the foregoing assessment, it can be concluded that the proposed development would exceed the threshold set out in the Seventh Schedule of the PDA and therefore satisfies Section 37A (1) of the PDA. It can also be concluded that the development is of strategic importance by reference to the requirements of Section 37A (2) (a) and Section 37A (2) (b) of the PDA.

It is recommended that An Coimisiún serve a notice on the prospective applicant, pursuant to Section 37 (B) (4) of the PDA stating that it is of the opinion that the proposed development constitutes a strategic infrastructure development within the meaning of Section 37A of the PDA.

## **11.0 Reasons and Considerations**

Having regard to the size of the proposed Waste Water Treatment Plant and associated development, with a capacity greater than a population equivalent of 10,000 and to the policy context, it is considered that the proposed development constitutes development that falls within the definition of environmental infrastructure in the Seventh Schedule of the Planning and Development Act 2000, as amended, thereby satisfying the requirements set out in section 37A (1) of the Act.

The proposed development is also considered to be of strategic importance by reference to the requirements of Sections 37A (2) (a) and (b) of the Planning and Development Act 2000, as amended. An application for permission for the proposed

development must therefore be made directly to An Coimisiún Pleanála under section 37E of the Planning and Development Act 2000, as amended.

### Professional Declaration

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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T Bradley,

Senior Planning Inspector

11<sup>th</sup> December 2025

## **Appendix A:**

Note 1: The following is a list of prescribed bodies considered relevant for the purposes of Section 37E (3) (c) of the Planning and Development Act 2000, as amended.

- Minister for Housing, Local Government and Heritage (Development Applications Unit)
- Minister for the Environment, Climate and Communications
- Minister for Transport
- Carlow County Council
- Laois County Council
- Transport Infrastructure Ireland
- An Chomhairle Ealaíon
- Fáilte Ireland
- An Taisce – the National Trust for Ireland
- Southern & Midland Regional Assembly
- Eastern & Midland Regional Assembly
- Inland Fisheries Ireland
- Córas Iompair Éireann
- Environmental Protection Agency
- The Heritage Council
- Health Service Executive
- Commission for Energy Regulation
- Uisce Éireann

Further notifications should also be made, where deemed appropriate.