



An  
Coimisiún  
Pleanála

## Inspector's Addendum Report

**ABP-322614-25A**

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<b>Development</b>	Construction of 64 no. houses and associated works.
<b>Location</b>	Lands to the west of Link Road, Chapelstown, Carlow.
<b>Planning Authority</b>	Carlow County Council.
<b>Planning Authority Reg. Ref.</b>	2460145.
<b>Applicant(s)</b>	Elmendorf Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Keith Moran, Conor and Mary Wall. Walls Engineering. Michael Baker.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	11 <sup>th</sup> July 2025.

**Inspector**

Kathy Tuck

## Contents

1.0 Introduction .....	4
2.0 Background .....	4
3.0 Response to Board's Correspondence .....	4
3.1. First Party Response .....	4
4.0 Further Submissions .....	6
4.1. Planning Authority .....	6
4.2. Transport Infrastructure Ireland (TII) .....	6
4.3. Peter Moran and Conor and Mary Wall (3 <sup>rd</sup> Party Appellants) .....	6
5.0 Referrals .....	7
6.0 Assessment .....	10
7.0 Recommendation .....	11
8.0 Reasons and Considerations .....	11
9.0 Conditions .....	12

## 1.0 Introduction

- 1.1. This report is an addendum report to the Inspector's report in respect of ABP-322614-25 dated 22<sup>nd</sup> July 2025.

## 2.0 Background

- 2.1. On 11<sup>th</sup> September 2029 the Commission issued a notice to the Applicant under Section 132 of the Planning and Development Act, 2000 (as amended) as they were of the opinion that certain information needed to be taken into account for the purposes of enabling it to determine the appeal. The Applicant was required to address the following on or before the 6<sup>th</sup> October 2025.

The applicant is required to submit details of what pre-treatment of wastewater from the development is required in order to meet Uisce Eirean's requirements and to submit details of what works may be required to provide such pre-treatment.

- 2.2. This report considers the submissions made on foot of the request from the Applicant.

## 3.0 Response to Board's Correspondence

### 3.1. First Party Response

- 3.1.1. The Applicant's agent submitted a formal response to the Board's request on 6<sup>th</sup> October 2025. This included a cover letter (dated 6<sup>th</sup> October 2025) prepared by the Applicant's planning consultant. This letter is accompanied by correspondence from Uisce Eireann dated the 5<sup>th</sup> March 2025 and the 24<sup>th</sup> April 2025 and also a technical note from the project engineer.
- 3.1.2. The submission states the request from the Commission follows Uisce Eireann's letter of confirmation of feasibility that was dated the 5<sup>th</sup> March 2025 and not the 24<sup>th</sup> April 2025 as outlined in the Commissions letter which relates to a submission to the Planning Authority.
- 3.1.3. The technical note indicates the proposed method for pre-treatment of the wastewater from the proposed development which will be agreed with Uisce Eireann following a receipt of planning permission. This will involve the inclusion of an on-site primary

treatment system with gravity overflow that would be located under the southern part of the public open space. A manhole at the surface would be the only visible aspect of this pre-treatment system with a grasscrete access to allow for tankers to access the system off the internal estate road.

3.1.4. It is stated that this will not inhibit the quality or use of the open space as the system would be at a depth that would also not detract from the approved landscaping scheme. If the Commission were mindful that the provision of the manhole and grasscrete access required an amendment to the layout this may be done by condition.

3.1.5. It is submitted that the Commission deal with these issues in the same manner as Carlow County Council and attach a similar condition to that of no. 16.

3.1.6. The Technical note submitted can be summarised as follows:

- Exact Uisce Eireann pretreatment requirements cannot be established at this stage – acknowledged by Uisce Eireann.
- In accordance with section 3.6 of Uisce Eireann Code of Practice it is proposed to provide on-site treatment to reduce Biochemical Oxygen Demand (BOD), Chemical Oxygen Demand (COD) and suspended solids.
- Proposal consists of 2 no. tanks which will serve as a two-stage primary sediment tank – removing most of the suspended solids. This removal is accompanied by a limited amount of anaerobic digestion – ensuing the effluent discharged from the system resembles the characteristics of effluent from a domestic on site percolation area.
- Effluent from the system is to be discharged to the existing public waste water network on the adjoining link road via a gravity connection. The system will be subterranean with manhole covers provided at the surface only.
- This option will be submitted to Uisce Eireann within the connection application.

## **4.0 Further Submissions**

### **4.1. Planning Authority**

- 4.1.1. A response from the Planning Authority was received on the 10th October 2025 and states that they have no further comment to make. The response guides the Commission to the Planning Officers report.
- 4.1.2. A second response from the Planning Authority was received on the 14<sup>th</sup> October 2025 which notes that the Local Authority have been advised by Uisce Eireann that they intend to carry out interim measures to increase capacity at Mortarstown in the short term and that clarification with Uisce Eireann would therefore confirm whether the requirement for pre-treatment remains in the short term.
- 4.1.3. The second response, further states that in the event pre-treatment is required an appropriate condition regarding design, maintenance, emission limits and reinstatement of the site when no longer required should be considered.

### **4.2. Transport Infrastructure Ireland (TII).**

- 4.2.1. A response from TII was received on the 16<sup>th</sup> October 2025 which states that their observations remain the same as were set out in their letter dated 11<sup>th</sup> June 2025.

### **4.3. Peter Moran and Conor and Mary Wall (3<sup>rd</sup> Party Appellants)**

- 4.3.1. The 3<sup>rd</sup> party appellant's planning agent submitted a formal response to the commission on the 26<sup>th</sup> October 2025 which was accompanied by an engineering report.
- 4.3.2. The submission notes the following:
  - All the works required by Uisce Eireann are proposed to be located in the only area of active public open space serving the proposed dwellings. Reference is made to the accompanying engineering report which concludes that sufficient hydraulic capacity is not available in the lifetime of any potential planning permission and therefore the proposal is premature pending network and pumping station upgrades at Walls Forge.

- The alternative solution suggested would in fact require two no. holding tanks in case of a failure in the pumping station and an overground kiosk to serve the pumping station would also have to be installed on the open space. This would not comply with the requirement of Uisce Eireann for any on-site primary treatment – no details have been provided of the impact this proposal will have on the open space.
- Consider that the erosion of the quantum and quality of the only area of open space in order to facilitate an on-site solution is unacceptable – would not allow for the standard of recreational amenity space expected from a new housing development.
- Site layout showing a grasscrete service road and the general location of underground tanks and ventilation pipes will reduce the quantum of useable open space by c. 30sq.m.
- Trusted that the Commission will not concur with applicant that grasscrete access and surface manholes ‘would not inhibit the quality or use of the open space’ or ‘would also not detract from the approved landscape scheme’.
- No auto track was submitted to demonstrate grasscrete can accommodate service tankers – highly likely radius of the road kerb at the junction of the grasscrete access with the estate road will have to be significantly increased.
- Requesting that the Commission overturn the decision to grant permission.

## 5.0 Referrals

- 5.1. Following the response received from the Applicant, a decision was made to issue to circulate the response received from the Applicant together with the response received from the Planning Authority under Section 131 of the Planning and Development Act, 2000 (as amended) for comment on the 19<sup>th</sup> November 2025.
- 5.2. The commission received 5 no. responses which are set out below:
- 5.3. Uisce Eireann – Dated the 18<sup>th</sup> December 2025

- Since Uisce Eireann’s original submission (dated 24<sup>th</sup> April 2025) plans have now been put in place for an interim upgrade to the Mortarstown Wastewater Treatment Plant with a project completion date of Q4 2027.
- This upgrade will provide additional capacity ahead of major upgrade project planned for the Mortarstown Wastewater Treatment Plant.
- Onsite pretreatment will not be required for the proposed development as previously required.
- It is recommended that permission be granted subject to condition.

5.4. 1<sup>s</sup> Party (Masterson Planning Consultancy) – 18<sup>th</sup> December 2025

- Pre-connection enquiry was made to Uisce Eireann and a subsequent Confirmation of Feasibility was issued on the 5<sup>th</sup> March 2025 which confirmed wastewater connection subject to upgrades.
- Further comments from Uisce Eireann to Carlow County Council noted that all future development to be delivered in advance of the required upgrade project will require pre-treatment to be agreed with Uisce Eireann as part of a connection agreement.
- The conditions recommended by Uisce Eireann were included in the grant of permission issued by Carlow County Council (Condition 16(a) and 16(b)).
- Further correspondence was received on the 17<sup>th</sup> July 2025 which was between Carlow County Council and Uisce Eireann which sets out that the Mortarstown Plant will be returned to amber in the next iteration of the capacity register (in the next three weeks); interim upgrade is in place that will allow the plant to continue to receive new development (expected to be completed within the next 12 months); and will have a full upgrade in place of the treatment plant by 2029.
- As of 17<sup>th</sup> December 2025 Uisce Eireann capacity register indicates capacity for Carlow WWTP as being available.
- Uisce Eireann has provided confirmation that a connection without pre-treatment is feasible as UE are undertaking a capital maintenance project that is expected to be completed before the proposed development is completed and occupied.

- Committed to engaging with Uisce Eireann through the connection agreement process and as with all developments of this nature.
- Condition 16 of the grant of permission is considered proportionate and allows for UE engagement and detailed design to be agreed and confirmed through the connection application process.

5.5. Transport Infrastructure Ireland – Dated 17th December 2025

- No further comment.

5.6. 3rd Party (Keith Moran and Conor and Mary Wall) – 9th December 2025

- Nothing further to add.
- Request a copy of the letter from Carlow County Council dated the 9<sup>th</sup> October 2025.
- Not possible to establish what Carlow County Council has advised from Uisce Eireann from the letter dated the 13<sup>th</sup> October 2025 – in terms of possible interim measures to increase capacity at Mortarstown Wastewater Treatment Plant.
- No details of the proposed measures to increase capacity are given and it is unclear whether the increase in capacity referred to is to address current overload or to facilitate additional development.
- Letter confirms that the Planning Authority does not know whether pre-treatment is required and whether it remains short and or medium term.
- It would appear that the application was premature at the time of assessment given the lack of detail provided.
- Would be inappropriate to attach a planning condition for something the Planning Authority has not yet established is or is not required and if required what the works will entail or how they will affect the overall layout.
- Carlow County Council does not address the impact on the Walls Forge Pump Station being incapable of any increase in loading without upgrade and upgrading not scheduled until 2030 at which point the permission would expire.

5.7. Planning Authority – 3rd December 2025

- Utilities/infrastructure in or under Public Open Space is facilitated in the Calow County Development Plan 2022-2028.
- Given the pre-treatment is temporary in measure – considered to be acceptable subject to removal by the developer and reinstatement of the site to the satisfaction of the Planning Authority.

## 6.0 Assessment

- 6.1. The matters raised as a consequence of the Commission's decision relate to the ongoing capacity issues in the wastewater infrastructure within Carlow Town. The concern related to the letter of Confirmation of Feasibility issued by Uisce Eireann on the 24/04/2025 which noted the ongoing constraints within the area and that works to the Walls Forge Pumping station would not be completed until 2031. It further noted that all future development that is to be delivered prior to the upgrade works would require pre-treatment to be agreed with Uisce Eiearan.
- 6.2. On foot of this the Commission issued a request to the applicant to submit details of what pre-treatment of wastewater would be required in order to meet Uisce Eireanns requirements and to submit details of what works may be required to provide such pre-treatment.
- 6.2.1. The applicant submitted a response and set out details of what is proposed to meet Uisce Eireanns requirements. This involved the inclusion an onsite primary treatment system with gravity overflow that would be located under the southern part of the public open space. It was stated that this will not inhibit the quality or use of the open space as the system would be at a depth that would also not detract from the approved landscaping scheme.
- 6.2.2. On foot of review of the proposal put forward by the applicant and on review of the response received from the Planning Authority, I considered that the plans submitted would require comment from Uisce Eireann, given that the Confirmation of Feasibility issued required that the pre-treatment proposal would require their consent.
- 6.2.3. A response from Uisce Eireann was received by the Commission on the 18<sup>th</sup> of December 2025 which set out their plans to undertake interim upgrades to the Mortarstown Wastewater Treatment Plant with a project completion date of Q4 2027.

It was further stated that these interim upgrade works will provide additional capacity ahead of major upgrade project planned for the wider area. This will therefore allow for the proposed development to be connected to the wastewater treatment plant at Mortarstown and the onsite pretreatment will therefore not be required as previously stated.

- 6.2.4. Therefore, having regard to the submission received from Uisce Eireann I consider that the concern raised by the Commission within the direction issued on the 11<sup>th</sup> of September 2025 has been fully addressed and, subject to a connection agreement with Uisce Eireann, I consider that the decision of the Planning Authority should be upheld and that permission be granted.

## **7.0 Recommendation**

- 7.1. I refer to the previous Inspector's Report and recommendation on this application dated 22<sup>nd</sup> July 2025. Having regard to the additional submissions received I am satisfied that all matters have been addressed fully and no additional conditions are required and no change to my recommendation arises.

## **8.0 Reasons and Considerations**

Having regard to the provision of the Carlow County Development Plan 2022-2028, the provision of Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), Section 28 Guidelines, the Carlow - Graiguecullen Joint Urban LAP 2024-2030, the and the design, scale and layout of the proposed development and pattern of existing and proposed development in the surrounding area, it is considered that subject to compliance with the conditions set out below, the proposal would provide for an appropriate form of development and would not adversely impact upon the residential amenity of the area, would provide for a good quality of residential amenity for future potential residents, would not undermine traffic safety of the surrounding area, would be acceptable in terms of public health and, therefore, be in accordance with the proper planning and sustainable development of the area.

## 9.0 Conditions

1.	<p>The development shall be carried out and retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the Planning Authority on the 29<sup>th</sup> day of May 2024, and the 14<sup>th</sup> April 2025 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>(a) The design of the proposed pedestrian/cycle connection located along the western boundary of the site shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.</p> <p>(b) The pedestrian/cycle connection located along the western boundary of the site shall be operational prior to the occupation of any dwelling on site.</p> <p><b>Reason:</b> In the interest of pedestrian and cycle safety.</p>
3.	<p>The western boundary of the development site shall be agreed in writing with the planning authority prior to the commencement of development. All remaining boundary treatments shall be implemented and constructed in accordance with plans submitted prior to the first occupation of the proposed development, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
5.	<p>Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the</p>

	<p>planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
6.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan which shall be submitted to the Planning Authority for the written agreement prior to the commencement of development. All mitigation measures set out within these plans shall be implemented in full.</p> <p><b>Reason:</b> In the interest of amenities, public health and safety and environmental protection</p>
7.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p><b>Reason:</b> In the interests of visual amenity.</p>
8.	<p>The site shall be landscaped in accordance with the Landscape Plan submitted to the Planning Authority on the 29<sup>th</sup> day of May 2024, and the 14<sup>th</sup> April 2025. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting</p>

	<p>season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
9.	<p>A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste, and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> In the interest of residential amenity, and to ensure the provision of adequate refuse storage</p>
10.	<p>The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.</p> <p><b>Reason:</b> To ensure that the development is carried out and completed to an acceptable standard of construction.</p>
11.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where proposals have been submitted and agreed in writing with the Planning Authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity</p>
12.	<p>Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a</p>

	<p>service connection to the public water supply and wastewater collection network. All works shall comply with Uisce Éireann's Connection and Developer Services Standard Details and Code of Practice.</p> <p><b>Reason:</b> In the interest of public health and to ensure adequate water/wastewater facilities.</p>
13.	<p>All drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the commencement of development, the developer shall submit all drainage details to the Planning Authority for written agreement.</p> <p><b>Reason:</b> In the interest of public health and surface water management.</p>
14.	<p>Prior to the commencement of the development as permitted:</p> <p>(a) The applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by ABP-319092-24 Inspector's Report Page 57 of 70 individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in</p>

	<p>which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p><b>Reason:</b> To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
15.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, coupled with an agreement empowering the planning authority to apply such security or part thereof to secure the taking in charge of roads, footpaths, sewers, water mains, drains, public car parking, public lighting and other services proposed or required in connection with the development to the satisfactory requirement of the Planning Authority. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of traffic safety and the proper planning and sustainable development of the area.</p>
16.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the</p>

	<p>planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.</p>
17.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission</p>
18.	<p>The developer shall pay a financial contribution of €75,000 (Seventy Five Thousand euro) to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of the provision of public footpath/cycle/lighting which benefits the proposed development. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.</p>

	<b>Reason:</b> It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.
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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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Kathy Tuck  
Planning Inspector

22<sup>nd</sup> January 2026.