



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-322834-25

<b>Development</b>	Uisce Éireann Compulsory Purchase (Kildavin Wastewater Treatment Plant Upgrade) Order 2025
<b>Location</b>	Kildavin, County Carlow
<b>Planning Authority</b>	Carlow County Council
<b>Applicant(s)</b>	Úisce Éireann
<b>Type of Application</b>	Compulsory Purchase Order
<b>Objectors</b>	James Pius Conway
<b>Date of Site Inspection</b>	24 <sup>th</sup> November 2025
<b>Inspector</b>	Ciara McGuinness

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## 1.0 Introduction

- 1.1. This report relates to a compulsory purchase order (CPO) made by Uisce Éireann (UÉ) to advance the Kildavin Wastewater Treatment Plant Upgrade. The project is included in the Uisce Éireann Capital Investment Plan 2020 – 2024 and the Uisce Éireann Draft Capital Investment Plan 2025-2029.
- 1.2. Kildavin is approximately 5km to the north of Bunclody, Co. Wexford. The existing wastewater treatment plan (WWTP) is a short distance south of the village centre. The plant discharges into the nearby Kildavin stream. The Kildavin stream is connected to the larger River Slaney further to the south.
- 1.3. The purpose of the Kildavin Wastewater Treatment Plant upgrade project is to address the current situation whereby the existing plant mainly comprises of an aeration and clarification process which do not presently allow the existing treatment plant to meet the emission limit values required of its current receiving water body (Kildavin Stream).
- 1.4. The proposed upgrade project includes the relocation of the final effluent discharge to the outfall to a new location at the larger River Slaney. The new location has greater dilution available in the river and allows the effluent to be assimilated without reducing the river quality. The upgrade will provide capacity for growth within the settlement, with current capacity of the plant at 242PE (population equivalent), the current agglomeration load at 241PE and a 30-year design horizon of 350PE.
- 1.5. To facilitate the proposed upgrade and improvement works, Uisce Éireann is seeking to compulsorily acquire the necessary lands to implement the scheme. The Commission has received a single objection in respect of the CPO.
- 1.6. This report considers the issues raised in the objection, as submitted to the Commission and, more generally, the application to acquire lands for the stated purpose.

### **Statutory Basis**

- 1.7. The CPO was signed and has the seal of Uisce Éireann affixed on 6<sup>th</sup> May 2025. It was advertised in The Carlow Nationalist (newspaper) on 20<sup>th</sup> May 2025. Formal notices were issued to landowners on 20<sup>th</sup> May 2025. The application was lodged with An Coimisiún Pleanála on 18<sup>th</sup> June 2025.

## **2.0 Site Location and Description of the Scheme**

2.1. Kildavin village is located c.5km to the north of Bunclody, Co. Wexford. It is a small rural settlement positioned just off the N80 Carlow-Rosslare Road. The River Slaney is located to the east of the village and marks the boundary between County Carlow and County Wexford. The existing WWTP is a short distance south of the village centre. The WWTP discharges to the adjoining Kildavin Stream.

2.2. The proposed upgrade works are detailed in the documentation accompanying the CPO and are available on the file. However, in summary, the proposed upgrade comprises the following:

- Upgrade of inlet sewer to Kildavin Wastewater Treatment Plant on the R724 road.
- Provision of new storm tank to balance incoming flows.
- Provision of new sludge tank to reduce tankering requirements.
- New wastewater Pumping Station on existing Wastewater Treatment Plant site to transfer final effluent to the River Slaney. Includes duty/standby submersible pumps and emergency storage to transfer flow to the Wastewater Treatment Plant.
- New rising main to transfer flows from Wastewater Pumping Station on Wastewater Treatment Plant site to high point on L2027 road.
- New gravity sewer to transfer flows from high point on L2027 to new River Slaney outfall.
- New headwall on River Slaney to facilitate new outfall.

2.3. The main objectives of the project are:

- Bring the agglomeration into compliance with the Urban Wastewater Directive and the relevant Wastewater Discharge Certificate of Authorisation by maintaining secondary wastewater treatment for the Kildavin agglomeration and transferring treated effluent to a receiving waterbody with a higher assimilative capacity.
- Address sludge management issues at existing Wastewater Treatment plant.

- Provide sufficient capacity to cater for expected growth.

2.4. The lands which are subject of the proposed CPO are shown in the deposit maps.

### 3.0 Application of the CPO

3.1. The application documentation received by the Commission, as relating to the statutory CPO procedure, includes the following:

- Uisce Éireann (formerly Irish Water) Compulsory Purchase (Kildavin WWTP Upgrade) Order 2025 (sealed and dated).
- The relevant CPO drawings / maps (sealed and dated) (Drawing Sheets x3).
- Sample copy of Notice served in connection with the Compulsory Purchase Order on the affected landowners/lessees/occupiers.
- Copy of the Formal Notice as published The Carlow Nationalist (newspaper) on 20<sup>th</sup> May 2025.
- Certificate of service of CPO Notices.

### 4.0 Planning History

**PA Reg Ref 2560090** – Live application for the construction of new wastewater infrastructure at the existing Kildavin WwTP and connection to a new outfall to the River Slaney. This will comprise the construction of a new below ground pumping station (17m<sup>2</sup>) sludge tank (total storage 36m<sup>3</sup>), storm tank (total storage 154m<sup>3</sup>) and associated treatment infrastructure; construction of a new welfare facility (33m<sup>2</sup>); demolition of the existing welfare facility and below ground sludge holding tank; and ancillary landscaping and boundary works at the existing Kildavin WwTP; the construction of new rising main and gravity main (1.4km) from the WwTP along the local roads, the verges/hard shoulders of the R724 and L2027 and agricultural land to a proposed outfall point and new concrete headwall at the River Slaney in Kildavin townland; and all ancillary and associated temporary works to facilitate the development at the construction stage. A Natura Impact Statement (NIS) will be submitted to the Planning Authority with the application.

**PA Reg Ref 18/327** – Permission granted to construct 1 No. 10.43 long x 5m wide and 1 No. 10.43m long x 7m wide sludge drying reed bed and associated site works within the boundary of the existing Kildavin Wastewater Treatment Plant

## 5.0 Policy Context

### 5.1. Carlow County Development Plan 2022-2028

- 5.1.1. The Carlow County Development Plan 2022-2028 ('County Development Plan / 'CDP') was adopted by the Council's Elected Members on 23rd May 2022. It took effect from 4<sup>th</sup> July 2022. The most relevant extracts in the assessment of this appeal case are as follows:

#### Chapter 6: Infrastructure and Environmental Management

Section 6.2 is in relation to 'Public Wastewater Collection and Treatment'. It states that Irish Water is responsible for the delivery, integration and implementation of strategic public wastewater projects and infrastructural improvements in the county.

**Policy PW. P1** is 'to support strategic wastewater treatment infrastructure investment by Irish Water and to support Irish Water in providing and maintaining adequate and appropriate wastewater treatment infrastructure to service zoned lands, towns and villages and developments over the period of the Plan in accordance with the Core Strategy and Settlement Hierarchy'.

**Policy PW. P2** is 'to facilitate Irish Water in the delivery of public wastewater services which address the residential, commercial and industrial needs of the county subject to compliance with all relevant EU and national legislation and normal planning and environmental criteria'.

**Policy PW. O2** is to "Work and support Irish Water in progressing the "Small Towns and Villages Growth Programme" which is intended to provide growth capacity at WWTPs (and WTPs) in smaller settlements which would not otherwise be provided for in the current Investment Plan'.

**Section 6.9.4** is in relation to 'Water Quality County Carlow'. It states that the latest EPA report 'Water Quality in Ireland' was published in December 2019... The aim is to protect water bodies with 'high' and 'good' status and to work towards achieving

‘good’ status for the remaining water bodies by 2027. A targeted approach is being taken focusing on identified risk areas (catchments) known as Priority Areas for Action...

It further states that the Council will work with all relevant stakeholders including Irish Water, the EPA, Inland Fisheries, Forestry Services, Teagasc, Local Authority Waters Programme and others to facilitate improvements in the ecological status of water bodies. [See CDP for full extract.]

#### Chapter 15: Larger Serviced Villages

Kildavin is identified as a ‘Larger Serviced Rural Village’ within the Carlow County Development Plan 2022-2028.

- 5.1.2. Section 15.4.7 ‘Kildavin’ has the overall objective *‘To promote Kildavin village as a settlement with a strong village character, located in an attractive rural environment to be protected and enhanced, while strengthening the existing and proposed services and supporting growth of the local community addressing recent population decline to sustainable growth levels’.*

- 5.1.3. The following policies are considered relevant;

**KD.P12** - Support and encourage the reuse of Kildavin House currently in a state of dereliction which is a protected structure for residential or such other higher order use which will seek to retain and maintain for future generations this important item of heritage significance in the village.

**KD.P13** - Protect and enhance natural amenities present in and surrounding the village which form part of the village setting e.g. tributary of the River Slaney which flows through the village, mature trees, boundary trees, hedgerows, fields etc.

**KD.P18** - Manage flood risk in Kildavin in accordance with the following provisions:

1. Village Core and utilities lands to the East and West of the R724 within Flood Zone A and B shall comply with the following provisions:

Any future expansion of the WWTP or Childcare facility Village Core and Utilities Lands should be subject to an FRA which should follow the general guidance provided in Section 6 of the SFRA and must specifically address the following:

- Existing flood data is indicative and does not provide flood levels. An appropriately detailed hydraulic model will be required to confirm flood levels and extents;
- The sequential approach should be applied, and highly vulnerable elements of the site should be located in Flood Zone C, or raised/bunded/protected;
- FRA should address climate change scenarios in relation to operational levels and potential mitigation measures;
- Proposals should not impede existing flow paths or cause flood risk impacts to the surrounding areas; and,
- Emergency evacuation plan and defined access / egress routes should be developed for extreme flood events.
- Any development shall also be required to be built in accordance with Carlow County Council SuDS Policy.

## 5.2. Other National and Regional Policy

- Irish Water: Water Services Strategic Plan 2040
- Irish Water's Strategic Funding Plan 2025-2029
- Irish Water: Water Services Policy Statement 2024-2030
- The Planning System and Flood Risk Management, including the associated Technical Appendices, 2009 ('the Flood Risk Guidelines')
- The National Planning Framework First Revision 2025
- Regional Economic Strategy for the Southern Region 2020-2032

## 6.0 The Objection

The Commission received a single objection in relation to the CPO.

The objection is by James Pius Conway.

The objection raises the following grounds/concerns:

Unsuitable central village location and impact on future development



The central village location proposed for the infrastructure is unsuitable. The plant, as proposed, would negatively impact future development along Kildavin's Main Street and hinder potential connections to land south of the stream which has a history of residential planning permission.

#### Negative Impact on Village Open Space and Amenity Areas

The proposed development negatively impacts the village open space and amenity areas. KD.P13 seeks to *'enhance natural amenities present in and surrounding the village which form part of the village setting e.g. tributary of the River Slaney which flows through the village'*. The plant is located on the bank of this tributary obstructing future community access and use of this area.

#### Insufficient capacity and Hindrance to Village Growth

The proposed infrastructure is insufficiently ambitious and fails to adequately address the anticipated growth of the village. With a projected capacity for only 40 additional dwellings. This short-sighted approach will obstruct the natural expansion of the village's potential.

#### Failure to Engage Meaningfully and Explore Viable Alternatives –

UÉ have failed to demonstrate consideration of alternative, potentially more suitable locations for the proposed infrastructure in Kildavin. Persistent efforts have been made to engage with UÉ on viable alternative solutions and to obtain necessary information, which have unfortunately been disregarded or met with insufficient detail. A detailed timeline of engagement efforts are provided.

#### Inappropriate Location within a Floodplain and Insufficient Flood Risk

The proposed village centre site is inappropriate due to its location within Floodzone 'A'. In relation to the planning application under PA Reg Ref 2560090, Carlow County Council has specifically requested an updated Flood Risk Assessment.

#### Lack of Assessments for Impact on Protected Structure

The proposed development, situated within the curtilage of the protected structure Kildavin House (RPS No. CW332), lacks necessary assessments, specifically an Architectural Heritage Impact Assessment and Landscape and Visual Impact Assessment, usually required for developments affecting the setting of a protected structure. During the course of the planning application under PA Reg Ref 2560090,

Carlow County Council raised concerns that the continued use of the shared entrance is contrary to KD.P12 which seeks to *“Support and encourage the reuse of Kildavin House currently in a state of dereliction which is a protected structure for residential or such other higher order use which will seek to retain and maintain for future generations his important item of heritage significance in the village.”*

#### Other Concerns raised by Carlow County Council

Further information was requested by Carlow County Council in relation to the planning application under PA Reg Ref 2560090, which sought an updated Natura Impact Statement (NIS), Construction and Environmental Management Plan (CEMP) and Construction Traffic Management Plan (CTMP).

## **7.0 Assessment**

7.1. My assessment of the proposed CPO considers the issues raised in the written objection submitted to the Commission and the general principles to be applied in assessing CPOs of this nature. Accordingly, for the Commission to confirm the CPO, it must be satisfied that the following criteria have been met:

- There is a community need that is to be met by the acquisition of the lands in question.
- The project proposed and the associated acquisition of lands is suitable to meet the community need.
- The works to be carried out should accord with, or at least not be in material contravention of, the policy and objectives contained in the statutory development plan relating to the area.
- Any alternatives proposed to meet the community need have been considered but are not demonstrably preferable.
- The extent of land-take should have due regard to the issue of proportionality.

## **7.2. Community Need**

7.2.1. UÉ has set out in its submission that the existing Kildavin WWTP mainly comprises of an aeration and clarification process which do not presently allow the existing

treatment plant to meet the emission limit values required of its current receiving water body (Kildavin Stream). The proposed upgrade project includes the relocation of the final effluent discharge to the outfall to a new location at the larger River Slaney. The new location has greater dilution available in the river and allows the effluent to be assimilated without reducing the river quality.

7.2.2. The upgrade will also provide capacity for growth within the settlement, with current capacity of the plant at 242PE (population equivalent), the current agglomeration load at 241PE and a 30-year design horizon of 350PE.

7.2.3. The proposed upgrade works are detailed in the documentation accompanying the CPO. In summary, the works comprise the following;

- Upgrade of inlet sewer to Kildavin Wastewater Treatment Plant on the R724 road.
- Provision of new storm tank to balance incoming flows.
- Provision of new sludge tank to reduce tankering requirements.
- New wastewater Pumping Station on existing Wastewater Treatment Plant site to transfer final effluent to the River Slaney. Includes duty/standby submersible pumps and emergency storage to transfer flow to the Wastewater Treatment Plant.
- New rising main to transfer flows from Wastewater Pumping Station on Wastewater Treatment Plant site to high point on L2027 road.
- New gravity sewer to transfer flows from high point on L2027 to new River Slaney outfall.
- New headwall on River Slaney to facilitate new outfall.

7.2.4. The Applicant sets out the statutory process and policy requirements under Section 12 of the Engineer's Report. Section 5 of my report provides a further summary of the relevant planning policy in relation to the proposed CPO. On review of the policy requirements I would highlight there is a clear requirement for wastewater treatment plants to comply with the relevant policies and directives, including the Urban Wastewater Directive (Council Directive 91/271/EEC).

- 7.2.5. The overriding objective of the Urban Wastewater Directive is to set out requirements in relation to the collection, treatment, and discharge of urban wastewater to protect the environment from the potential adverse effects of wastewater discharges. The Urban Wastewater Treatment Regulations, 2001-2010 is the national legislation which gives effect to the requirements of the Directive in Ireland. To reiterate, the purpose of the project is to bring the Kildavin WWTP in line with these policy and directive mandates, and to prevent and reduce pollution caused by urban wastewater that has not been properly treated.
- 7.2.6. I note that the Environmental Protection Agency (EPA) has classified the Kildavin Stream (i.e. the discharge waterbody) as 'Moderate' ecological status or potential and 'at risk' of not meeting its environmental objective of good or high status under the WFD (2019-2024 monitoring period). I note that urban wastewater has been identified as a significant pressure that needs to be addressed in this 'at risk' waterbody
- 7.2.7. In conclusion, I would concur with the Applicant that the proposed upgrade works to the existing means of wastewater management and treatment is in the best interest of the community. I am satisfied that the existing wastewater treatment plant at Kildavin represents outdated infrastructure, which is no longer fit for its original intended purpose and that it is operating beyond its capacity. There is an imperative requirement for the WWTS serving the local community to be made fit-for-purpose.
- 7.2.8. I consider that the needs of the public would be met by the CPO of the lands in question, that Uisce Éireann has demonstrated that a clear and pressing community need would be met by the project, and that this would be facilitated by the acquisition of rights over the lands in question, should the Commission confirm the CPO.

### **7.3. Suitability of the Lands**

- 7.3.1. I would highlight for the attention of the Commission that Uisce Éireann is seeking to acquire permanent wayleaves for Plot No. 003, and permanent right of way for Plot No. 001. I note that the lands which are being proposed to be acquired are described as agricultural lands. Plot 001 which provides access to the WWTP is located within the settlement of Kildavin and is zoned "Open Space Amenity". The site where the

WWTP is located is zoned 'Utilities'. Plot 003 is located outside of the settlement and is unzoned.

- 7.3.2. The objector considers that the proposed CPO negatively impacts the village open space and amenity areas, and that the plant, located on the banks of the Slaney tributary, obstructs future community access and use of this area. Concerns are also raised in relation to the impact on Kildavin House which is a Protected Structure. Plot 001 is within the curtilage of Kildavin House (RPS No. CW332) which is described in the Record of Protected Structures as *'a small country house which has been derelict for many years and used as an agricultural store'*. The CPO is seeking a permanent right of way for Plot No. 001, which is part of a shared access with Kildavin House. I note that the existing plant is zoned 'Utilities' and that CPO for Plot 001 (ie. permanent right of way) is being acquired for upgrade works to the existing plant. I note that proposed works would relate to the WWTP with shared access remaining as such, with no fence, barrier or enclosure of any kind to be erected around the right of way areas. I consider that the acquisition of lands is suitable to meet community need. I will deal with the Development Plan compliance in relation to the aforementioned items in Section 7.4 below.
- 7.3.3. The objector considers that the proposed development is inappropriate due to its location within a Flood Zone. I note that the existing WWTP is located within Flood Zone A. I again note that the proposed CPO is to facilitate upgrade works to an existing WWTP. I consider that the location of the site within Flood Zone A does not exclude development, and I specifically note that Policy KD.P18 sets out specific requirements for the Flood Risk Assessment in relation to any future expansion of the WWTP. I note that the planning consent process will ensure that all development proposals comply with this requirement and with the requirements of the Planning System and Flood Risk Management – Guidelines for Planning Authorities (DEHLG and OPW, 2009) and Circular PL2/2014 (or any amendments thereto), in particular through the application of the sequential approach and the Development Management Justification Test. The planning consent process is separate to the CPO process and is discussed further in Section 7.7 below.
- 7.3.4. Notwithstanding the specific concerns raised by the objecting landowner – which are addressed further under Section 7.7 of my report below – I am also satisfied that the extent of land proposed to be acquired is proportionate to the identified community

need and that the amount of land-take is necessary to facilitate the proposed upgrade works to the Kildavin WWTP upgrade project.

- 7.3.5. I do not consider that the plots of land have been included unnecessarily as part of the CPO. In reaching this conclusion, I have reviewed the deposit maps, and other material submitted as part of the CPO application. In conclusion, I am satisfied that the lands subject to this CPO application are suitable and required to accommodate the proposed WWTP upgrades, and that this is in the interest of serving the community need.

#### 7.4. Compliance with Planning Policy

- 7.4.1. As outlined in Section 5.1 above, the Carlow County Development Plan 2022-2028 includes several provisions which seek to support the provision of improved infrastructure, including wastewater services. This is in order to facilitate economic and residential development, and to promote investment in the water and drainage network to support environmental protection and facilitate the sustainable growth of the County.
- 7.4.2. Kildavin is identified as a 'Larger Serviced Rural Village' within the Carlow County Development Plan 2022-2028. These settlements are located throughout the County providing important local services with populations ranging generally over c.200 to 466. They contain schools, local employment and community facilities supporting the village and the wider rural area. The CDP states that the Council will encourage and support the provision of local services, local employment opportunities, amenities and facilities within the development boundary of larger serviced villages subject to proper planning and environmental capacity considerations.
- 7.4.3. Section 15.4.7 'Kildavin' has the overall objective 'To promote Kildavin village as a settlement with a strong village character, located in an attractive rural environment to be protected and enhanced, while strengthening the existing and proposed services and **supporting growth of the local community** addressing recent population decline to sustainable growth levels' (emphasis added).
- 7.4.4. Section 6.2 of the CDP identifies the role of Uisce Éireann in the delivery, integration and implementation of strategic public wastewater projects and infrastructural improvements in the County (Page 133). Policy PW O2 seeks to work and support

Irish Water in progressing the “Small Towns and Villages Growth Programme” which is intended to provide growth capacity at WWTPs (and WTPs) in smaller settlements which would not otherwise be provided for in the current Investment Plan.

- 7.4.5. Other relevant policies relevant to the CPO application include Policy PW. P1, Policy PW. P2 and Section 6.9.4 of the CDP (‘Water Quality County Carlow’). See Section 5.1 above for full extracts of these policies.
- 7.4.6. I note that the objector considers that the proposed CPO negatively impacts the village open space and amenity areas, noting that KD.P13 seeks to *‘enhance natural amenities present in and surrounding the village which form part of the village setting e.g. tributary of the River Slaney which flows through the village’*. As outlined previously the works for which the CPO relates are in relation to the upgrade of an existing WWTP. The Development Plan acknowledges the need for such an upgrade. I do not consider that the works will inhibit the enhancement of natural amenities in the village, and I do not consider it to be a material contravention of KD.P13. Similarly the objector has outlined concerns that the continued use of the shared entrance is contrary to KD.P12 which seeks to *“Support and encourage the reuse of Kildavin House currently in a state of dereliction which is a protected structure for residential or such other higher order use which will seek to retain and maintain for future generations his important item of heritage significance in the village”*. As described above in Section 7.3 the shared access will remain as such. I do not consider that the works will inhibit the reuse of the structure, and I do not consider it to be a material contravention of KD.P12. The planning consent process is separate to the CPO process and is discussed further in Section 7.7 below.

## **7.5. Consideration of Alternatives**

- 7.5.1. I note the objector’s concerns that UÉ did not adequately identify or investigate potential more suitable locations for the proposed infrastructure.
- 7.5.2. I note that UÉ has set out in the submitted ‘engineers report’ the alternatives considered. The alternatives included the following:
- Pumping directly to the River Slaney outfall through private land and the Kildavin Quarry

- Pumping partly through the local roads then through private land and the Kildavin Quarry
- Pumping directly to the River Slaney outfall through private land and the R724 and L2027 local roads.

7.5.3. The Engineer's Report notes that these were considered through a Route Selection Report in several options, however the selected option interacted with the fewest landowners and makes use of the existing roads infrastructure.

7.5.4. Having regard to the above, I consider that all viable and alternative route options, and related considerations, have been adequately explored by the Applicant. The proposed route, and areas required for land acquisition and/or works, represent the most reasonable means of achieving the project objectives, and it is my view that this would meet the identified community need. I consider that Uisce Éireann has demonstrated a reasonable consideration of the alternatives available and that the proposed route is the optimum one.

7.5.5. The Applicant has demonstrated that they have satisfactorily examined alternative methods of meeting the community need and I conclude that this particular part of the CPO test has been complied with.

#### **7.6. Proportionality and Necessity for the Level of Acquisition Proposed.**

7.6.1. I consider that the delivery of an improved wastewater treatment plant serving the area would benefit all users in the long run, including local people, visitors, businesses, etc. However, I acknowledge that the proposed acquisition of lands has the potential to have a negative impact upon the objector, mainly during the construction phase. The required works would lead to temporary disruptions and nuisances, which are an unfortunate, but unavoidable, reality for such projects.

7.6.2. I note that the CPO does not seek to acquire any residential dwellings and that the direct impact on the domestic property is mainly limited to land-take along the internal access road bounding the public road.

7.6.3. The scope of the project includes:

- Upgrade of inlet sewer to Kildavin Wastewater Treatment Plant on the R724 road.



- Provision of new storm tank to balance incoming flows.
- Provision of new sludge tank to reduce tankering requirements.
- New wastewater Pumping Station on existing Wastewater Treatment Plant site to transfer final effluent to the River Slaney. Includes duty/standby submersible pumps and emergency storage to transfer flow to the Wastewater Treatment Plant.
- New rising main to transfer flows from Wastewater Pumping Station on Wastewater Treatment Plant site to high point on L2027 road.
- New gravity sewer to transfer flows from high point on L2027 to new River Slaney outfall.
- New headwall on River Slaney to facilitate new outfall.

7.6.4. It is my opinion that any temporary interference experienced by the Objector during the construction phase, and the imposition of permanent wayleaves and rights of way, would be proportionate to the delivery of the project and that this is being pursued in the interests of the common good. Having examined the documentation before me, including the deposit maps, and other materials of a technical standing, and having regard to the submissions by the Applicant and Objector, it is my opinion that the proposed scheme incorporates the minimum land-take necessary to achieve the required technical standard for the scheme.

7.6.5. The objector contends that the upgrade is insufficiently ambitious and fails to adequately address the anticipated growth of the village. In my view, the increase in the organic capacity of the plant from 242PE to 350PE represents a proportional upgrade. I note the core strategy sets out a projected population increase of 35 to 2028 for Kildavin. Section 15.4.7 of the CDP has the overall objective for Kildavin which seeks to support the *'growth of the local community addressing recent population decline to sustainable growth levels'*. It is my view that such an upgrade is necessary and will result in a fit-for-purpose WWTP that will serve the local population of Kildavin as well as visitors and businesses in the village together with users of the watercourses in the vicinity. Therefore, I consider the proposed extent of land take would be proportionate and necessary to achieve the project objectives. Furthermore, I consider any temporary disruption during the construction phase

would also be proportionate to the delivery of the project in the interest of the common good.

- 7.6.6. In the light of this, I conclude that Uisce Éireann has demonstrated that the CPO would meet the relevant criteria for establishing that the proposed acquisition of land would be clearly justified and in the interest of the common good.

## 7.7. Other Issues

### Planning Status of the Project

The objector in their submission to the Commission have noted that the proposed development as outlined in planning Reg Ref No. 25/60090 has several significant shortcomings that make the CPO entirely unsuitable and unjustifiable. I note the Uisce Éireann Engineers Report confirms that the relevant planning application (Reg. Ref. 24/60332) was made in April 2025. I note that the application remains a live application with Carlow County Council at the time of writing this report.

Notwithstanding, I would note that the planning consent process is separate to the CPO process. In other words, this application for confirmation of a CPO relates exclusively to the acquisition of interests in land and that there is no scope to interrogate processes or assessments undertaken in relation to planning or environmental matters, which may or may not form part of a planning application process. It is also the responsibility of the Applicant to ensure that they have obtained the necessary planning permissions and consents, prior to undertaking the development for which the CPO is intended to facilitate.

In conclusion, I am satisfied that UÉ has provided adequate details regarding the nature of the proposed wastewater upgrade works to allow the Commission to consider the merits, or otherwise, of the CPO, and of the community need that it would serve. I do not therefore consider that the issue of planning permission places any restriction on the Commission from considering the application or from deciding to either approve or annul the proposed CPO.

### Consultation

The objector in their submission has stated that that inadequate consultation had taken place and that the level of engagement undertaken by Uisce Éireann has been

lacking and insufficient. The objector has provided a timeline of the efforts made to engage with Uisce Eireann.

I note Uisce Eireann have also provided a schedule of engagement within the submitted Engineers Report. I consider that all reasonable endeavours have been undertaken by the Applicant to try and partake in positive consultation with the landowner and other parties as required. I am also satisfied that a genuine attempt was made to acquire the plots of land in question on a voluntary agreement basis.

In conclusion, I am satisfied that the manner in which the CPO consultation stage has been administered has remained fair, transparent and thorough.

## **8.0 Recommendation**

8.1. Having regard to the above, I conclude that:

- the acquisition of lands under the CPO would serve a community need that advances the common good,
- the particular land is suitable to meet that need,
- alternatives have been considered and that there is no alternative which is demonstrably preferable,
- the proposal does not materially contravene the development plan, and
- the proposed acquisition is proportionate and necessary.

I recommend that the Commission CONFIRM the Compulsory Purchase Order based on the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

9.1.1. Having considered the objection made to the compulsory purchase order, the purpose for which the lands are to be acquired as set out in the compulsory purchase order, which is to advance the Kildavin Wastewater Treatment Plant Upgrade, and also having regard to the following:

- (i) the constitutional and European Human Rights Convention protection afforded to property rights,

- (ii) the strategic importance of the scheme in the context of addressing the current situation whereby the existing wastewater treatment plant for the area is being overloaded and its discharge quality is not meeting the Uisce Éireann and Environmental Protection Agency standards.
- (iii) the identified community need, public interest served and overall benefits to achieved from the proposed development,
- (iv) the design response which has been appropriately tailored to the identified need,
- (v) the suitability of the lands and the necessity of their acquisition to facilitate the upgrade and expansion of the Kildavin WWTP,
- (vi) the policies and objectives of the Carlow County Development Plan 2022-2028, which are not materially contravened,
- (vii) the report and recommendation of the Inspector,

it is considered that the permanent acquisition of the lands in question for permanent right of way and wayleave, as set out in the Order, Schedule, and on the deposited maps by Uisce Éireann, is necessary for the stated purpose, which is a legitimate objective being pursued in the public interest, and that the CPO and its effects on the property rights of affected landowners are proportionate to that objective and justified by the exigencies of the common good.

In reaching this conclusion, the Commission agrees with and adopts the analysis contained in the inspector's report.

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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Ciara McGuinness  
Planning Inspector

3<sup>rd</sup> December 2025