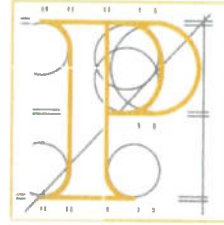


**Our Case Number:** ACP-322834-25



An  
Coimisiún  
Pleanála

James Pius Conway  
Kildavin  
Co. Carlow

**Date:** 26 June 2025

**Re:** Uisce Eireann Compulsory Purchase (Kildavin Wastewater Treatment Plant Upgrade) Order 2025  
Kildavin, County Carlow

Dear Sir / Madam,

An Coimisiún Pleanála has received your letter of objection in relation to the above mentioned compulsory purchase order.

In respect of same, please note that in circumstances where:

- (i) no objections are received by the Commission within the period provided for making objections, or
- (ii) all objections made are subsequently withdrawn, or
- (iii) all objections made relate exclusively to matters which can be dealt with by a property arbitrator the Commission will inform the local authority as appropriate and, in such circumstances, the local authority can itself confirm the order with or without modification or refuse to confirm the order in accordance with the provisions of section 216 of the Planning and Development Act, 2000, as amended.

The Commission has absolute discretion to hold an oral hearing in respect of any application before it, in accordance with section 218 of the Planning and Development Act 2000, as amended. Accordingly, the Commission will inform you on this matter in due course.

If you have any queries in the meantime please contact the undersigned officer of the Commission at [laps@pleanala.ie](mailto:laps@pleanala.ie) Please quote the above-mentioned An Coimisiún Pleanála reference number in any correspondence or telephone contact with the Commission.

Yours faithfully,

Aisling Reilly  
Executive Officer  
Direct Line: 01-8737131

CH02

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AN COIMISIÚN PLEANÁLA  
LDG- \_\_\_\_\_  
ACP- \_\_\_\_\_  
19 JUN 2025  
Fee: € \_\_\_\_\_ Type: \_\_\_\_\_  
Time: 17:21 By: HAND

James Pius Conway  
Kildavin,  
County Carlow

Phone No. 087 2502159

E-mail: [jamespiusconway@gmail.com](mailto:jamespiusconway@gmail.com)

19<sup>th</sup> June 2025

An Bord Pleanála  
64 Marlborough Street  
Dublin 1  
D01 V902

**Subject: Objection to Compulsory Purchase Order (CPO) – Kildavin  
Wastewater Treatment Plant Upgrade Order 2025**

Dear Sir/Madam,

I am writing to formally object to the Compulsory Purchase Order (CPO), the 'Kildavin Wastewater Treatment Plant Upgrade Order 2025', issued by Uisce Éireann for the expansion of the Kildavin Waste Water Treatment Plant (WwTP) on my land, located within the townlands of Kildavin, Crowsgrove, Lacabeg and Ballypierce, Co. Carlow. My land is identified in relation to the planning application with File Number 2560090. I am the owner of a portion of the lands included in the application, as well as adjoining lands affected by the proposed development. I have not agreed to the development and have not provided a letter of consent to apply for permission on my lands.

While my family and I support the principle of upgrading the wastewater infrastructure in Kildavin Village in a considered and appropriate manner, the proposed development, as outlined in planning application 2560090, has several significant shortcomings that make the CPO of my land entirely unsuitable and unjustifiable. My concerns align with the observation previously submitted to Carlow County Council Planning Department on my behalf by Horan Rainsford Architects Ltd. on 16th May 2025. Furthermore, Carlow County Council has requested further information from Uisce Éireann regarding this planning application, as detailed in their request dated June 6th, 2025 (PL 25/60090). These requests reinforce my objections, particularly concerning flood risk, shared access with the protected structure Kildavin House, capacity of the proposed upgrades and the overall suitability of the proposed location.

It is important to note that a consultant engineer, Meinhardt, has been working on my behalf and actively attempting to liaise with Uisce Éireann since August 2023. Our objective from the outset was to relocate the plant outside the centre of the village. Despite several meetings, both on-site and online, Uisce Éireann regrettably proceeded with this application without furnishing us with the requested optioneering information or providing assurances that the plant has been suitably sized to cater for the long-term expansion and development of the village. This demonstrates a clear lack of engagement and consideration for alternative solutions.

My objections are based on the following critical grounds:

**1. Unsuitable Central Village Location and Impact on Future Development:**

The central village location proposed for the infrastructure is entirely 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 (planning application ref: 15/141) and potential for future rezoning for village expansion. This proposal adversely impacts the objective of the Carlow County Development Plan (CCDP) 2022-2028, Chapter 15 Large services villages, which aims "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". As such, the proposal contravenes the development plan.

**2. Negative Impact on Village Open Space and Amenity Areas:**

The proposed development negatively impacts the village open space and amenity areas as referenced in the CCDP 2022-2028, specifically as noted in KD.P13 "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.

### **3. Insufficient Capacity and Hindrance to Village Growth:**

The proposed infrastructure upgrade is insufficiently ambitious and fails to adequately address the anticipated growth of the village. The plant is being upgraded to 350PE from its current capacity of 242PE. With a projected capacity for only approximately 40 additional dwellings, notwithstanding any other commercial uses that may be part of any mixed-use future village core or expansion, upon completion, this limited upgrade will impede future development and stifle the village's potential. This short-sighted approach will obstruct the natural expansion of the village. Despite our explicit requests, Uisce Éireann has not furnished assurances that the plant has been suitably sized to cater for the long-term expansion and development of the village.

### **4. Failure to Engage Meaningfully and Explore Viable Alternatives, Demonstrating a Lack of Transparency and Cooperation:**

Uisce Éireann's planning application lacks an 'Options Report' or equivalent, failing to demonstrate consideration of alternative, potentially more suitable locations for the proposed infrastructure in Kildavin. The planning authority, Inland Fisheries, the EPA and public should be able to assess other considered options and the robust justification for the chosen solution. Critically, the Conway Family, through our consultant engineer Meinhardt, has made persistent efforts to engage with Uisce Éireann on viable alternative solutions and to obtain necessary information, which have unfortunately been disregarded or met with insufficient detail. A detailed timeline below of these efforts illustrates Uisce Éireann's failure to meaningfully engage please note that the full detail of this correspondence can be provided if required it has been summarised below and individuals names removed:

- **August 28th, 2023:** Meinhardt initiated contact with Avison Young, stating openness to negotiation regarding relocating the WwTP out of the village and requesting further information on plans.
- **October 20th, 2023:** Meinhardt followed up with Avison Young to arrange a meeting with Uisce Éireann.

- **October 25th, 2023:** Avison Young responded, confirming they had requested Uisce Éireann to discuss moving the WwTP and setting up a meeting.
- **November 3rd, 2023:** Avison Young provided maps outlining the landtake for the proposed development.
- **November 17th, 2023:** An online meeting was held. Following this, Meinhardt emailed Uisce Éireann, reiterating requests for justification on why the WwTP could not be relocated, information on setback requirements, and clarification on future capacity allowance, citing concerns about the village's development zoning.
- **December 1st, 2023:** Meinhardt followed up with Uisce Éireann regarding the lack of response since the November 17th meeting. Uisce Éireann responded the same day, stating they hoped to provide an update early the following week.
- **December 13th, 2023:** Uisce Éireann responded, stating the project was in detailed design, the agreed option was to move the discharge location by constructing a pump station within the existing WwTP, and that the existing plant would not be decommissioned or moved. They claimed a "circa 40% increase" in capacity based on local development plans and that minimum distance requirements would be met.
- **January 5th, 2024:** Meinhardt emailed Uisce Éireann, expressing disappointment at the lack of detail and questioning the "Detailed Design" claim. Meinhardt reiterated requests for optioneering justification for not relocating the plant and for replacing it with a pumping station via a land swap. They sought clarification on the required offset to dwellings to understand sterilised land, and requested exact current/proposed PE values, questioning if the 40% increase truly considered future village development given anecdotal overcapacity and regular removal of surcharging wastewater through suction tinkering on a weekly basis.

- **April 8th, 2024:** Meinhardt followed up with Uisce Éireann, noting no reply to previous emails and expressing disappointment regarding the unaddressed queries, particularly why the WwTP could not be relocated.
- **May 31st, 2024:** Meinhardt followed up again, stating there had been "no correspondence from you in more than 5 months".
- **June 20th, 2024:** Uisce Éireann responded, apologising for delays, confirming site investigations were complete, and reiterated that the project would proceed with increasing capacity at the existing plant to circa 350PE and moving the outfall pipe. They stated the detailed design showed "no requirement to add any additional substantial structures" and an anticipated offset distance of less than 50m. Future engagement was directed to Avison Young.
- **August 23rd, 2024:** Meinhardt reiterated key queries regarding WwTP setback requirements and spare capacity for future development. They also requested a General Arrangement drawing of the new WwTP for review of entrance proposals and reiterated the critical preference for a separate entrance for the protected structure, Kildavin House, if the WwTP's location was insisted upon. Avison Young confirmed receipt and stated they would follow up with Uisce Éireann.
- **September 20th, 2024:** Meinhardt inquired about a response from Uisce Éireann. Avison Young provided Uisce Éireann's response, stating setback is case-by-case (confident it would be 50m or less) and 350PE is based on population trends. Meinhardt expressed dissatisfaction, noting Uisce Éireann had not answered specific questions about the WwTP's setback, current flows, or how 350PE considered the Development Plan's future growth, highlighting potential impact on land value. Avison Young clarified their role as relaying Uisce Éireann's responses and noted Uisce Éireann's stance that there's no obligation to increase PE beyond deemed requirements for private development.
- **September 24th, 2024:** Avison Young sent a site layout drawing.

- **December 13th, 2024:** Avison Young emailed Meinhardt, stating Uisce Éireann would consider budget-neutral alternative proposals requiring drawings. They confirmed Uisce Éireann was not prepared to include planning for a new entrance due to concerns about planning application impact. They noted "60 Day letters" (CPO notices) had issued to protect the timeline but negotiations could continue. Meinhardt requested AutoCAD versions of drawings for alternative proposals.
- **December 16th, 2024:** Avison Young provided GA level mapping which was noted as inadequate by Meinhardt due to lack of detail and topographical survey.
- **January 13th, 2025:** Meinhardt confirmed receipt of the 60-day notice and stated they were preparing alternative segregated access sketches for Kildavin House, requesting CAD topographical survey and design proposals from Uisce Éireann. They questioned if the village foul water network was being upgraded given the existing 150mm line's insufficiency and issues.
- **January 15th, 2025:** Avison Young responded, confirming Meinhardt could meet with another Avison Young representative, and forwarded a topo drawing (noting its limited use).
- **January 17th, 2025:** A site meeting was held between Meinhardt and Avison Young, where Meinhardt presented alternative proposals for access and other items.
- **February 6th, 2025:** Avison Young emailed Meinhardt, stating Uisce Éireann had decided to progress by CPO and provided a digital copy of the 60-day letter. They gave Uisce Éireann's responses to some queries: segregated access was deemed to require further lands; topographical info sent was all available; current design proposals included new screens, tanks, pipes; only a section of the 150mm AC sewer was in scope; electric gates were not beneficial; and the pipe route/discharge satisfied criteria.
- **February 7th, 2025:** Meinhardt expressed confusion by the February 6th response, noting that alternative proposals and specific issues had been



discussed in person on January 17th but had not been addressed. Meinhardt listed numerous unaddressed items, including compensation for alternative Kildavin House access, alternative contractor compound, specific pipe routing, footpath coordination, new residential gravity connection, and upgrading the existing 150mm village line due to significant issues. Meinhardt also reiterated the request for the 'options report' for WwTP relocation, stating intent to request it under Freedom of Information if not provided.

- **March 27th, 2025 onwards:** Ben Joy of Uisce Éireann joined the project, leading to significant progress and discussion between Meinhardt and Uisce Éireann. However, no formal written agreement has been provided by Avison Young, other than a short email on June 5th confirming an outline financial offer sent to our Valuer.

Despite these persistent and detailed attempts by Meinhardt to engage, request crucial information, and offer viable alternatives, Uisce Éireann has either provided insufficient detail, failed to respond in a timely manner, or proceeded with the current unsuitable proposal without genuinely exploring the alternative solutions. This pattern of interaction demonstrates a profound lack of transparency and a failure to act in good faith, which has severely hampered any collaborative efforts towards a mutually beneficial outcome.

#### **5. Inappropriate Location within a Floodplain and Insufficient Flood Risk Assessment:**

The proposed village centre site is inappropriate due to its location within Floodzone 'A'56. Carlow County Council has specifically requested an updated Flood Risk Assessment, as the existing flood data is indicative and lacks the necessary detail. The Council requires an appropriately detailed hydraulic model to confirm flood levels and extents, and for Uisce Éireann to demonstrate that the development will not impede existing flow paths or cause flood risk impacts to the surrounding areas. They also require consideration of climate change scenarios in relation to operational levels and potential mitigation measures, the application of a sequential approach to locate highly vulnerable elements in Flood Zone C or have them raised/bunded/protected, and the development of an emergency evacuation

plan with defined access/egress routes for extreme flood events. This clearly indicates the significant flood risk concerns associated with the proposed location and most critically has the potential to create increased flood risk downstream on our lands given the lack of available space to provide compensatory storage. Bunding the plant will only increase the risk of flooding downstream or on the adjacent Kildavin House curtilage.

**6. Lack of Assessments for Impact on Protected Structure (Kildavin House):**

The proposed development, situated within the curtilage of the protected structure, Kildavin House (RPS No. CW332) 63636363, lacks necessary assessments, specifically an Architectural Heritage Impact Assessment and a Landscape Visual Impact Assessment, usually required for developments affecting the setting of a Protected Structure. The provided Cultural Heritage Impact Assessment also fails to acknowledge Kildavin House, demonstrating a lack of consideration for the proposed development's impact on its historic receiving environment. Carlow County Council has raised concerns that the continued use of the existing shared entrance is contrary to policy KD. P12 of the Carlow County Development Plan 2022-2028, 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 this important item of heritage significance in the village". The Council has requested revised proposals to address this matter, and proposals for a new entrance will require readvertisement and indication of works within the curtilage of the protected structure. Furthermore, the Conway family have sought alternatives to minimise the impact on the open space in the curtilage of Kildavin house by suggesting several alternatives, including but not limited to, an alternative entrance to be provided for Kildavin House, an option to avoid the perpendicular turning head by utilising the existing access road and widening the entrance to the plant to facilitate reversing movements, however again these have been ignored.

## **7. Other Concerns Raised by Carlow County Council:**

Carlow County Council's further information request highlights additional concerns, including the need for an updated Natura Impact Statement (NIS) which has not included any mitigation measures for the operational phase of the proposed development and is deficient in information regarding the potential impacts of the proposed new outfall location on the hydrological regime and water quality of the Slaney River Valley SAC (Site Code 00781). The Council also requests that Uisce Éireann address each of the concerns of Inland Fisheries Ireland (IFI) regarding tertiary treatment and phosphorous removal. Furthermore, the Council requires an updated Construction Environmental Management Plan (CEMP) and Construction Traffic Management Plan (CTMP), addressing issues such as how new footpaths along the L2027 and L2028 will be maintained, how HGVs and buses will be accommodated during construction on L2027 (a very high HGV count route), how pedestrians utilising the South Leinster Way (L2027) will be accommodated, protection of all drainage and soakaways, agreement on the condition of verges prior to construction, and maintaining the bus stop at L2028 at Conway's at all times.

In conclusion, Uisce Éireann appears to have submitted this planning application as a 'quick fix' response to ongoing wastewater treatment challenges in Kildavin Village, but the proposed location for this critical infrastructure is entirely unsuitable. It is situated within a floodplain, adjacent to a tributary, and occupies land with potential for future community amenity along the village's Main Street. Moreover, the site lies within the curtilage of Kildavin House, a protected structure - an important heritage consideration that appears to have been entirely disregarded. Additionally, the proposed design capacity is insufficient to support the village's future growth, thereby hindering the development of much-needed housing and commercial opportunities for our future generations. The continued failure to meaningfully engage with my consultant engineer, Meinhardt, and to provide critical information, coupled with the further information request from Carlow County Council, further underscores the significant flaws and potential negative impacts of this proposed development.

I respectfully request that you uphold my objection and reject the Compulsory Purchase Order for my land. I urge Uisce Éireann to reconsider its approach and explore more appropriate and sustainable solutions that genuinely address wastewater treatment for the village's long-term needs without unduly impacting private property and heritage. I remain willing and open to any future discussions exploring these alternatives on more appropriate land.

Yours sincerely,

James Pius Conway