



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322766-25

### Development

Laois County Council Clonaslee Flood  
Relief Scheme Compulsory Purchase  
Order No. 01 of 2025

### Location

Clonaslee, County Laois

### Planning Authority

Laois County Council

### Applicant

Laois County Council

### Type of Application

Local Authority Compulsory Purchase  
Order

### Objectors

Uisce Éireann

Coillte

Mary Whyte

### Date of Site Inspection

17<sup>th</sup> September 2025

### Inspector

David Ryan

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## 1.0 Introduction

### Overview

- 1.1. This report relates to a compulsory purchase order (CPO) made by Laois County Council for the Clonaslee Flood Relief Scheme.
- 1.2. Clonaslee is located in northwest Co. Laois, approx. 13km south of Tullamore. Clonaslee has a history of fluvial flooding due to its location and proximity to the Clodiagh River which traverses through the village, with the settlement relying on informal constructed defences to provide flood protection to properties. A flood event occurred on 22<sup>nd</sup> November 2017 which coincided with a breach in the stone wall that separates the river from Chapel Street, Clonaslee.
- 1.3. The purpose of the Clonaslee Flood Relief Scheme is to address the settlements susceptibility to flooding and protect its population and assets, including properties, from the adverse impacts of flooding events. Flood modelling undertaken has predicted that flooding has the potential to affect 72 residential properties and 2 commercial properties within Clonaslee if the Flood Relief Scheme is not implemented. A concurrent application was lodged by Laois County Council for the Clonaslee Flood Relief Scheme on 11<sup>th</sup> June 2025.
- 1.4. To facilitate the proposed Flood Relief Scheme, Laois County Council is seeking to compulsorily acquire the necessary lands to implement the scheme. The Coimisiún has received three objections in respect of the CPO.
- 1.5. This report considers the issues raised in the objections submitted to the Coimisiún and, more generally, the application to acquire lands for the stated purpose.
- 1.6. On the 10<sup>th</sup> June 2025, Laois County Council applied to An Bord Pleanála for Compulsory Purchase Order No.1 of 2025 (CPO). It was advertised in the Irish Independent on 10<sup>th</sup> June 2025. Formal notices were issued to landowners on 9<sup>th</sup> June 2025.
- 1.7. An Oral Hearing was held on the 28<sup>th</sup> October 2025. A summary of the proceedings is set out under **Appendix A**.

### Purpose of the CPO

- 1.8. The stated purpose of the CPO is to:

- a) Acquire compulsorily the land to which the Order relates for the construction of the Clonaslee Flood Relief Scheme, together with all ancillary works associated therewith. The lands are described in Part I-III of the Schedules attached to the CPO and are shown on the drawings No. LCC/0713006C/CPO/0001, LCC/0713006C/CPO/0002, LCC/0713006C/CPO/0003.
- b) To acquire the easements, as described in Part IV of the Schedule
- c) To extinguish the rights of way described in Part V of the Schedule

## 2.0 Site Location and Description of the Scheme

- 2.1. The proposed flood relief scheme is located on lands within and/or adjacent to Clonaslee Village, Co. Laois. The R422 which forms the Main Street runs from east to west through Clonaslee Village, with the local road L2006 including Chapel Street running north-south intersecting the R422 at the western area of the village, connecting to Tullamore to the north and Brittas Forest to the south.
- 2.2. The proposal site includes the Clodiagh River which flows from south to north through the western area of the village, flowing parallel to Chapel Street. The Gorragh River which flows from south to north is located to the eastern area of the village, before its confluence with the Clodiagh River c.1.3km to the north of the village. The **central area** of the proposal site includes for the eastern side of Chapel Street and lands to its northeast, riverbank walls, agricultural lands and private properties, which are located adjacent to/proximal to the Clodiagh River. Areas of this part of the proposal site are within a designated Architectural Conservation Area (ACA), with protected structures and archaeological Sites and Monuments Record zones located within the development site vicinity. Utility infrastructure including power lines traverse this area of the site.
- 2.3. The **northern area** of the site includes lands to the eastern and western banks of the Clodiagh River, downstream of the village, and includes agricultural lands and part of the grounds of Clonaslee's Integrated Constructed Wetlands (ICW) Treatment Plant. This area of the site is located parallel to the Clodiagh River and Tullamore Road, and Uisce Éireann pipeline infrastructure are located within this area.

- 2.4. The **southern** area of the proposal site includes for Brittas Wood/Forest, the Clodiagh River, agricultural lands, and Uisce Éireann pipeline infrastructure are located within this area, located to the south of the village. This area of the site which lies on the opposite side of the river from the Clonaslee Water Treatment Plant, includes for Coillte lands and overlays with an amenity trail running to the west of the river in Brittas Wood. The designated European site Slieve Bloom Mountains SPA forms part of the southern area of the site.
- 2.5. The proposed development site is partially located within areas at risk of flooding.

### **Proposal**

- 2.6. The proposed Flood Relief Scheme is detailed in the documentation accompanying the CPO and are available on the file. However, the proposal is sited in three areas, namely Area 1-Brittas Woods, Area 2-Chapel Street, and Area 3-Tullamore Road and Uisce Eireann Integrated Constructed Wetland (ICW), and in summary, comprises the following:

#### **Area 1- Brittas Woods**

- Construction of a debris trap on the Clodiagh River c. 250m upstream of the Clonaslee Bridge, comprising 6 no. concrete poles cast in a concrete base, associated access slipway and gated fence.
- Construction of a flood defence embankment c. 135m long (non-porous material with paved surface comprising a concrete core excavated below existing ground) along the existing amenity pathway in Brittas Wood.
- Remediation of existing culvert crossing the Brittas Wood pathway in the form of a new precast concrete headwall.

#### **Area 2- Chapel Street**

- Construction of a reinforced concrete flood defence wall adjoining the western side of an existing wall at Chapel St and in third party land, on the western bank of the River Clodiagh. The concrete flood defence wall will measure 235m in length and match the existing height. The concrete flood defence wall will have a stone finish

- Construction of a pedestrian footpath along the eastern side of Chapel St and associated infrastructure

### **Area 3- Tullamore Road and Uisce Eireann Integrated Constructed Wetland (ICW)**

- Construction of a flood defence embankment c. 130m long (non-porous material with grass seeded surface comprising a non-porous core c. 1m below ground level) on the Clodiagh River's western bank.
- Construction of a reinforced concrete flood defence wall c. 80m long on the River Clodiagh's eastern bank within the grounds of the Clonaslee Integrated Constructed Wetlands (ICW).

### **Construction Methodology**

- The proposal also includes for all associated site works and ancillary development including the provision of 2 no. temporary construction compounds with associated facilities.

2.7. Documentation submitted outlines there are 12 landowners affected by the CPO, with 7 landowners subject to the permanent acquisition of land other than public road. Three of these landowners will also be affected by the requirement for a permanent wayleave across lands and stream bed for future maintenance purposes, and a further 2 landowners will also be the subject to the rights of way which traverse their land. 11 no. landowners will be subject to the temporary acquisition of land during the construction phase of the project.

The main objectives of the project are:

- To provide appropriate, viable, cost-effective and sustainable flood relief measures in Clonaslee, along and adjacent to the Clodiagh River, such that people and key assets, including properties, are protected from adverse impacts of flooding,
- To provide a flood relief scheme for all fluvial flood events, up to a 1% Annual Exceedance Probability (often referred to as a 1 in 100-year flood event).

- To implement a flood relief scheme that is technically robust, provides value for money and is technically, socially and environmentally acceptable.
- To protect residential and non-residential properties from flooding and consequent damage.
- To protect key infrastructure and utility services from flooding.
- To reduce and avoid the stress and anxiety that flood events and/or potential flood events can cause to the local community.
- To reduce the disturbance and disruption caused by flood events such as evacuations and traffic diversions etc
- To reduce the risk of environmental pollution, including run-off of hydrocarbons from flooded areas etc
- To provide a basis for the ongoing management and maintenance of the Clonaslee Flood Relief Scheme.
- To facilitate and support improved public realm amenities along the Clodiagh Rivers, in the area of Clonaslee.

2.8. The lands which are subject of the proposed CPO are shown in drawings.

### **3.0 Application of the CPO**

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

- Compulsory Acquisition of Land, Laois County Council (Clonaslee Flood Relief Scheme) Compulsory Purchase Order No.1 of 2025 (Signed/sealed)
- The relevant CPO deposit maps (signed/sealed)
- Copy of newspaper notices published in relation to CPO
- Copy of notice sent to parties listed in the CPO
- List of parties to which notices were sent and proof of service of same
- List of prescribed authorities formally notified and proof of service of same

## 4.0 Planning History

Relevant History:

**ABP 322748-25** - Application by Laois County Council for the Clonaslee Flood Relief Scheme. Lodged 11/06/2025. This application is accompanied by an Environmental Impact Assessment Report and Natura Impact Statement.

**ABP 243327 PA reg. ref 13243** – Permission for bungalow refused on appeal to Robert White

**Reg. Ref. 12/269** Permission was refused to Bobby White for the construction of a bungalow

**Reg. Ref. 06/1172** Outline Permission granted for a dwelling to Mary Whyte

**Reg. Ref. 06/45** Outline Permission was refused for four houses to Mary Whyte

**Reg. Ref. 04/879** Permission granted to Mary Whyte for removal of occupancy condition applied in 03/1628.

**Reg. Ref. 031628** Outline permission granted for 2 dwellings to Mary Whyte

Relevant consented developments in the vicinity include:

**PA reg. ref 2560074** – Permission granted for A. convert The Swan Public House into hostel accommodation, comprising of 29 bed capacity and all associated site works. B. The provision of a new shopfront, additional windows C. The construction of 3 no. new masonry outbuildings to provide a bin store, general storage and a secure bike shed.

**ABP 247390 (PA reg. ref 16220)** - Upgrading of water treatment plant (WTP) including refurbishment of existing WTP building and ancillary structures, proposed new water treatment process building, modified by way of contribution appeal

**PA reg. ref 19193** – Permission granted to modify the previous grant of permission to the Water Treatment Plant (WTP) site at Clonaslee (Planning Registration Number: 16/220) and comprises of the following: modifications to the proposed pumphouse building, revised location of the ESB substation, reduced footprint to the Water Treatment Plan Process Building, revisions to site layout



## 5.0 Policy Context

- 5.1. **EU Floods Directive (2007/60/EC)** - The EU Directive on the assessment and management of flood risk, often referred to as the 'Floods Directive', came into force in 2007. The assessment and management of flood risks in Ireland was aligned to meet the requirements of the EU Floods Directive through the Catchment Flood Risk Assessment and Management (CFRAM) Programme.
- 5.2. **The Revised National Planning Framework - Project Ireland 2040** was approved in April 2025. The National Planning Framework – Project Ireland 2040 is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. Key objectives of the Framework include the sustainable management of environmental resources, and for the transition to a carbon neutral and climate resilient society. Embedded in these objectives is the need to consider the impact of climate change on the water cycle and the resultant impact on water services and flooding in settlement strategies, with adaptation measures required to respond to locally specific, place-based responses, which address not only climate impacts but also integrate coherently with local social, economic and ecological systems.
- **NPO 77** seeks to enhance water quality and resource management by: Ensuring that River Basin Management Plan objectives are fully considered throughout the physical planning process, and integrating sustainable water management solutions, such as sustainable urban drainage, non-porous surfacing and green roofs, and nature based solutions, to create safe places.
  - **NPO 78** seeks to promote sustainable development by ensuring flooding and flood risk management informs place-making by: Avoiding inappropriate development in areas at risk of flooding that do not pass the Justification Test, in accordance with the Guidelines on the Planning System and Flood Risk Management; Taking account of the potential impacts of climate change on flooding and flood risk, in line with national policy regarding climate adaptation.
  - **NSO 9** Sustainable Management of Environmental Resources outlines in relation to water that climate change will have significant future effects on the

availability of water sources, with objectives including for substantial investment in water programmes.

- **Section 9.3** Protecting Conserving and Enhancing our Natural and Cultural Capital highlights the importance of flood risk planning and climate change adaptation.

5.3. **National Development Plan 2021-2030 (NDP).** The NDP sets out investment priorities underpinning the implementation of the NPF. The NPD review was published in July 2025.

#### 5.4. **Climate Action Plan 2025**

Climate Action Plan 2025 builds upon the Climate Action Plan 2024 by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with **Climate Action Plan 2024**. The Climate Action Plan 2025 (CAP25) is the latest annual update to Ireland's Climate Action Plan. The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050 (as committed to in the Climate Action and Low Carbon Development Act 2015, as amended), the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022. The plan highlights the direct impact of climate change arising from flooding events, and actions outlined for 2025 include to a Develop Sectoral Adaptation Plan for the Flood Risk Management sector, and to Implement a National Groundwater Flood Monitoring Programme.

#### **Climate Action Plan 2024**

The Climate Action Plan 2024 (CAP 24) follows the commitment in the Climate Act 2015, as amended, and sets out the range of emissions reductions required for each sector to achieve the committed to targets. The document sets out Irelands plan to achieve a 51% reduction in greenhouse gas emissions from 2021-2030 and being carbon neutral by 2050. Actions outlined for 2024 include to complete a review of the national Preliminary Flood Risk Assessment to assess the potential impacts of climate change on flooding and flood risk across Ireland.

### **5.5. National Catchment-based Flood Risk Assessment and Management (CFRAM) Programme**

An objective of CFRAM was to identify and map the existing and potential future flood hazard and flood risk in the areas at potentially significant risk from flooding, called Areas for Further Assessment (AFAs). Clonaslee and environs, located at the Clodiagh River within the River Brosna catchment, were identified as an AFAs (ID no. 250420). The CFRAM Programme led to development of the Flood Risk Management Plan which identifies Clonaslee as an AFA and concludes that an FRS will be progressed.

### **5.6. Flood Risk Management Plan Shannon Upper & Lower River Basin 2018**

Clonaslee is identified as an Area for Further Assessment in the FRMP. The proposed measures includes to: Progress the project-level development and assessment of a Flood Relief Scheme for Clonaslee, including environmental assessment as necessary and further public consultation, for refinement and preparation for planning / Exhibition and, if and as appropriate, implementation.

### **5.7. Water Action Plan 2024: A River Basin Management Plan for Ireland**

The Plan sets out a roadmap to restore Ireland's water bodies to the equivalent of 'good status' or better and to protect water from any further deterioration. In relation to Structural Flood Protection, it is outlined the current policy in relation to flood protection is to implement the Floods Directive in full. This includes structural flood protection measures proposed for communities at significant flood risk, aimed at reducing the likelihood and/or degree of flooding, identified through the National Catchment Flood Risk Assessment and Management (CFRAM) Programme.

### **5.8. The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)** - The Guidelines seek to avoid inappropriate development in areas at risk of flooding and avoid new developments increasing flood risk elsewhere. The Guidelines outline the provision of flood protection measures in appropriate locations, such as in or adjacent to town centres, can significantly reduce flood risk. It is outlined minimising risk can be achieved through structural measures that block or restrict the pathways of floodwaters, such as river or coastal defences.

### **5.9. National Adaptation Framework 2024**

The framework sets out the national strategy to reduce Ireland's vulnerability to climate change impacts, with flood risk management included at sector level.

#### 5.10. **Eastern & Midland Regional Spatial & Economic Strategy 2019-2031**

The RSES acknowledges the importance of the reduction and proactive management of flood risk. The identified Regional Strategic Outcomes and Regional Policy Objectives include:

**RSO8:** Build Climate Resilience - Ensure the long-term management of flood risk and build resilience to increased risks of extreme weather events, changes in sea level and patterns of coastal erosion to protect property, critical infrastructure and food security in the Region.

**RPO 7.13** outlines the EMRA will work with local authorities, the OPW and other relevant departments and agencies to implement the recommendations of the CFRAM programme to ensure that flood risk management policies and infrastructure are progressively implemented.

**RPO 7.14** outlines Local authorities shall take account of and incorporate into the development of local planning policy and decision making the recommendations of the Flood Risk Management Plans (FRMPs), including planned investment measures for managing and reducing flood risk.

**RPO 7.15** outlines Local authorities shall take opportunities to enhance biodiversity and amenities and to ensure the protection of environmentally sensitive sites and habitats, including where flood risk management measures are planned.

#### 5.11. **County Development Plan**

The Laois County Development Plan 2021-2027 is the relevant development plan. The plan was adopted on 25<sup>th</sup> January 2022 and came into effect 8<sup>th</sup> March 2022. Clonaslee is identified as a village in the settlement hierarchy for Laois.

##### Zoning

The CDP is the relevant document for land use zoning in relation to the CPO lands.

The centre of village including lands within and adjacent the application site are zoned 'town centre' in the land use zoning Map 6.1A for Clonaslee. Other lands within the site are zoned 'Residential 1. Established,' and 'Open Space/ Amenity'.

Zoning adjacent/opposite the Clodiagh River also include 'Utilities' and 'Community-Education-Institutional'. In Map 6.1 B the application site is located within an ACA, with protected tree stands located along the riverbank, opposite the southern area of the application site. The application site is also within/adjacent a buffer zone for sewage treatment plant, within Zone A - Risk of Flooding once every 100 years, and within/adjacent Zone B - Risk of Flooding once every 1000 years.

Some plots of land subject of the CPO are within the development boundary, with other plots located outside the development boundary.

In terms of the objectors lands:

Objector Mary Whyte - Plot 1001c.02, Plot 1001a.01, Plot 1001row.03, Plot 1001c.04 are outside the development boundary. This land includes for areas within flood risk Zone A and Zone B.

Objector Coillte – Plot 0201a.01, Plot 0201a.02, Plot 0201c.09 are within/adjacent the development boundary, and where within are within/adjacent areas zoned Open Space/Amenity, which is to preserve, provide for and improve active and passive recreational public and private open space.

Plot 0201row.08 is within/adjacent the development boundary.

Plot 0201c.03, Plot 0201c.04, Plot 0201c.05, Plot 0201c.06, Plot 0201c.07 are within the development boundary, located within/adjacent areas zoned Open Space/Amenity.

These lands are within/adjacent flood risk Zone A and Zone B.

Objector Uisce Éireann

Plot 1101b.01, Plot 1101c.02, Plot 1101pw.03 are outside the development boundary. These lands are within/adjacent flood risk Zone A and Zone B.

Relevant CDP extracts in the assessment of this case also include:

#### **Chapter 10: Infrastructure:**

- FRM 3: Support the implementation of recommendations in the CFRAM Programme to ensure that flood risk management policies and infrastructure are progressively implemented.

- FRM 4: Support the implementation of recommendations in the Flood Risk Management Plans (FRMP's), including planned investment measures for managing and reducing flood risk.
- FRM 5: Consult with the OPW in relation to proposed developments in the vicinity of drainage channels and rivers for which the OPW are responsible, and to retain a strip on either side of such channels where required, to facilitate maintenance access thereto
- FRM 9: Ensure that where flood risk management works take place that the natural and cultural heritage, rivers, streams and watercourses are protected and enhanced
- FRM 10: Ensure each flood risk management activity is examined to determine actions required to embed and provide for effective climate change adaptation as set out in the OPW Climate Change Sectoral Adaptation Plan Flood Risk Management applicable at the time.
- FRM 11: Consult, where necessary, with Inland Fisheries Ireland, the National Parks and Wildlife Service and other relevant agencies in the provision of flood alleviation measures in the County.
- FRM 12: Prioritise plans for flood defence works in the towns as indicated in the Strategic Flood Risk Assessment in order to mitigate against potential flood risk.
- FRM 13: Ensure new development does not increase flood risk elsewhere, including that which may arise from surface water runoff

## **Chapter 2: Core Strategy and Settlement Strategy**

- CS 30: Support housing at an appropriate scale and repopulation taking place within villages in a consolidated, sustainable and sequential manner, priority will be given to refurbishment of existing houses or appropriate replacement to current building standards within the existing footprint

## **Chapter 7: Retail and Town /Village Centre Management:**

- TC 5: Assist in site assembly and facilitate appropriate new development in town/village centres by way of alterations and extensions, infill development as well as demolition and redevelopment subject to planning considerations such as architectural heritage and flood risk

### **Chapter 3: Climate Action and Energy**

- This includes the policy objective CA 1 which seeks to support and facilitate European and national objectives for climate adaptation and mitigation as detailed in the following documents, taking into account other provisions of the Plan (including those relating to land use planning, energy, sustainable mobility, flood risk management and drainage): Climate Action Plan, National Climate Change Adaptation Framework, any Regional Decarbonisation Plan, Sectoral Adaptation Plans, and the Laois Climate Change Adaptation Strategy 2019-2024.

### **Chapter 11, Biodiversity and Natural Heritage**

- BNH 31 seeks to protect waterbodies and watercourses from inappropriate development, to ensure they are retained for their biodiversity and flood protection values and to conserve and enhance where possible, the wildlife habitats of the County's rivers and riparian zones, lakes, canals and streams

### **County Laois Strategic Flood Risk Assessment (SFRA) 2022**

- The SFRA which accompanies the CDP identifies part of the village centre and existing residential lands north of the R422 are within Flood Zone A/B. The SFRA concludes in relation to Clonslee that it is considered appropriate to retain the existing zoning, and any future development should be subject to an FRA which should follow the general guidance provided in Section 7 of the SFRA.

#### Other relevant chapters of the CDP

- Chapter 12: Built and Cultural Heritage

#### **5.12. Other National Policy**

- National Flood Policy 2004
- National Biodiversity Action Plan 2023 – 2030 (NBAP)

- Flood Risk Management Sectoral Adaptation Plan 2025-2030 (OPW, 2025)

## 6.0 The Objections, and the Applicants response to Objections

6.1. The Commission has received 3 objections in relation to the CPO.

### **Objection 1 - Objection from Mary Whyte, with supporting correspondence from Robert White**

This relates to Plot 1001c.02, Plot 1001a.01, and Plot 1001row.03 as shown on a drawing submitted LCC/0713006C/CWL/0010. Ms. Whyte is the owner.

The objection raises the following concerns/grounds:

Primary ground for objection is that the proposed acquisition of land will render the remaining portion of the property compromised and decrease its value and potential for future developments.

#### **Severe Severance and Injurious Affection**

- The proposed permanent acquisition is an act of severance dividing original lands PLOT 1001 C.02 on map leaving the remaining lands disproportionately narrow and diminished.

#### **Loss of Development Potential**

- The dimensions and configuration of the remaining land following the proposed acquisition would be entirely insufficient or unsuitable for future development, the narrowing of the land will mean it will not be sufficient to meet planning regulations regarding frontage and distance from road, also decreasing the plot size for development residential or agricultural use. The purchase would severely hinder the viability of the land.

#### **Disproportionate Hardship**

- The hardship and economic loss imposed by proposed purchase would be disproportionate to the purported public benefit of acquiring this land.

Requests that LCC reconsider the acquisition and consider wishes for the land to be developed for residential housing in the future for 2 family members (sons).



Accompanying correspondence from Robert White outlines:

- CPO would have a negative and lasting impact on the future residential quality and potential of land, would diminish land available by approx.0.5 acres, indicated on plan as PLOT 1001a.01.
- The Right of Way would negatively impact on privacy and cause inconvenience, indicated on plan as PLOT 1001row.03
- The temporary working area would cause disruption on the land indicated on plan as PLOT 1001c.02
- Pre-planning entered into in 2011. Planning permission was granted for residential housing in 2004, due to financial reasons the developments did not advance.
- Hope that land would be used in the future as residence for family members of the owner namely Robert and Daniel White to facilitate their housing needs and continued residence in their locality

**Response of Applicant to Objection 1 - Mary Whyte** (in correspondence submitted dated 22<sup>nd</sup> September 2025)

1. Remaining land disproportionately narrow and diminished

The area to be acquired for the embankment construction was the minimum considered possible when considering the following:

- Maintaining the existing high-value riparian habitat and treeline along the river side. The trees and their root zone form a large proportion of the acquisition area. The riparian strip is being acquired as the embankment protection fence will sever it from the rest of the field;
- The embankment footprint is such that it provides the required protection height, sufficient width to give stability and prevent water seepage, while having side slopes that will allow safe maintenance and vegetation control;

- The embankment footprint will also give flexibility to increase the defence height in future, making it adaptable for increases in flood risk due to climate change.

## 2. Loss of Development Potential

Due to its location in the flood zone, the land is considered to have a low development potential without construction of the embankment. The acquisition will decrease the land available for agricultural use, for which compensation will be agreed.

## 3. Disproportionate Hardship

The acquisition of the land is required to deliver the objective of the Flood Relief Scheme in full, i.e. to alleviate the risk of flooding in Clonaslee to prevent flooding of properties and assets within the village of Clonaslee during flood events with a 1% Annual Exceedance Probability (AEP) for fluvial floods. This is the common standard of protection for flood schemes of this nature in Ireland.

The row of five houses across the road from the plot in question are included in the area to be protected. To provide an indication of the flood risk to those properties, the embankment required will be 500mm higher than their surveyed floor levels.

## 4. Impact of Right of Way

For an embankment such as this it is reasonable to expect that grass will be cut 1-2 times a year and an annual visit will take place to inspect the condition of the flood defence asset. These visits are planned in advance with the landowner to ensure livestock will not be disturbed for example. This procedure may serve to reduce the impact discussed in the submission.

## 5. Temporary Working Area disruption

It is clear that the temporary working area will cause disruption to the landowner, effectively taking use of the entire field during Construction works for this embankment. Compensation for this disruption will be agreed as part of the CPO process. Referring to the programme in EIAR Chapter 5, it is expected works here to take place over a six month period.

## 6. Previous Planning Applications

Reviewing the Laois County Council Planning records the following Planning History is on file:

- 03/1628: Outline Permission granted for 4 dwellings on site;
- 06/1172: Outline Permission granted for one dwelling on site;
- 06/45: Outline Permission refused for 4 dwellings on site;
- 12/269: Permission refused for one dwelling on site;
- 13/243: Permission refused for one dwelling on site.

In considering the likelihood of planning permission being granted for development on this site the most recent planning application is reviewed. The reason given for the refusal of planning is quoted as follows:

*“Having regard to the location of the proposed development partially within Flood Risk Zone A as identified in the Laois County Development Plan 2011-2017, and the failure to carry out a site specific flood risk assessment (prepared by a suitable qualified individual/firm) to determine the impact of the proposed development on the site, on surrounding areas and on areas upstream and downstream of the proposal, the Planning Authority is not satisfied from the information submitted that the proposed development would not pose a threat of an increased risk of flooding on adjoining sites and on lands located upstream and downstream of this proposal should permission be granted. The proposed development, if permitted, would therefore be contrary to the provisions of the Planning System and Flood Risk Management Guidelines, Department of the Environment, Heritage & Local Government 2009, and the Laois County Development Plan 2011-2017, and as a consequence wholly unacceptable and contrary to the proper planning and sustainable development of the area.”*

It is important to note that the completion of the flood defence will not remove the remainder of the field from 'Flood Zone A' from the planning perspective.

## **Objection 2-Coillte**

The submission dated 24 July 2025 raises the following concerns/grounds:

Confirm has already engaged with Laois County Council engineers in respect of the Notice to Landowners and has met with them on site. In accordance with Clause 5 of the Notice, confirms Coillte has no objection in principle to the CPO Order subject to the following;

- (a) A right of way for all purposes is to be retained over the entire lands described in Schedule, Part II, Schedule of the Notice (“the Permanent Acquisition Lands”) in favour of Coillte its successors, licencees and assigns to be registered as a burden on the new Folio to be registered in favour of Laois County Council.
- (b) No access rights nor construction works (including but not limited to site investigations or groundbreaking works) are permitted by Coillte upon the Temporary Works Areas described in Schedule, Part III, of the Notice (“the Temporary Works Areas Lands”) until the terms of a Temporary Licence for Works are agreed in advance by Laois County Council with Coillte and duly executed by the parties. The said Temporary Licence for Works will include certain provisions in relation to indemnities to be provided by Laois County Council to Coillte and further policies of insurance to be put in place by Laois County Council in respect of but not limited to Public and Employers Liability Insurance. Coillte understand and note that the Temporary Works Areas Lands will not be transferred from Coillte ownership notwithstanding that the Schedule Part III describes the lands as “Lands being temporarily acquired”.
- Would be obliged for confirmation that pursuant to Clause 6 of the Notice, that the above conditions (a) and (b) will be included in any confirmation by ABP of the CPO Order in respect of the Permanent Acquisition Lands and the Temporary Works Areas Lands.

The Coillte submission dated 24 October 2025 reiterates Coillte has no objection to the CPO order strictly on the basis of 2 conditions (a and b).

## **Response of Applicant to Objection 2 - Coillte**

### **Coillte**

#### **1. Right of way**

The intention in acquiring the land covering the footprint of the embankment is to allow ease of maintenance only. There is no fencing proposed and the area will be reopened for public use or use by Coillte or other landowners in the area. There should be no impediment to registering a wayleave to Coillte (and other parties who currently have access rights) on the new Folio to be registered in favour of Laois County Council.

#### **2. Access Rights during Construction**

It is confirmed that it is not the intention to transfer ownership of the 'temporary works areas' from Coillte. It is understood that works will be taking place within Coillte managed forestry area and will comply with any Coillte Licencing requirements.

## **Objection 3-Uisce Éireann**

The submission raises the following concerns:

There are Uisce Éireann assets within the zone of influence (250 m buffer) of the proposed development including:

- Clonaslee Water Treatment Plant (Area I);
- Clonaslee Reservoir (Area 1);
- Two active borehole sources (Old Forest BHI, New Forest BH 2) (Area 1);
- Clonaslee Integrated Constructed Wetland and Wastewater Treatment Plant (Area 3);
- Distribution and trunk mains and associated infrastructure (Areas 1, 2, 3);

- Foul water / sewer network and associated infrastructure (Areas 1, 2, 3);
- There is also an Uisce Éireann surface water intake from the Clodiagh river, mapped just south of and outside the zone of influence.

#### Observation (Water)

UE prioritises the protection of public drinking water sources. In this context the development proposals have been assessed for potential impacts to drinking water sources.

- Drawing Reference - Site Layout Plan Area 1 (DG2001) (refers to Figure 1 outlined)
- Works Description - Construction of new embankment east of river Clodiagh along the Brittas Wood pathway, and construction of instream flood debris trap.
- Uisce Eireann Observation (Water) - in the event of flooding can it be demonstrated that there is no risk to the production wells located along the embankment and or the associate underground pipe work. Can it also be demonstrated that in the event of flood with the debris trap blocked that it will not flood production wells.
- Risk - if wells are inundated with surface water the water supply to Tullamore and surrounding areas would be at risk, which supplies c.18,000 people.
- Action - Flood Relief project engage with UE CDS department to incorporate mitigation measures (if required) at the OPWs project expense. The works should be carried out by UE and the developer (OPW/Laois) can engage with UE's CDS department to enter into an agreement for the works to be carried out on UE's live assets.

#### Observation (Wastewater)

UE has given feedback throughout the preparation of the Clonaslee Flood Relief Scheme, and little/none of UE concerns are taken into consideration in the final document. UE attended a meeting with LCC to gain an understanding of why

concerns were not addressed and informed that they were not within the scope of LCC plans.

- The Integrated Constructed Wetland (ICW) was planned and constructed by LCC between 2002 and 2011.
- UE inherited the Wetlands on the 1st of Jan 2014
- The current cost of constructing this plant today would be between €3.5 to €4 million.
- The Wetlands is made up of soft/clay engineering principles. This is not a typical concrete constructed plant. Clays are used to form embankments, and special clays were imported to ensure the base of the ponds are watertight as no water is allowed to drain directly into the ground in this process.

The current Flood relief plan is to redirect flood water and where it goes after that is of great concern to UE. If flood waters were to flow over and through the plant, great damage would be experienced which could make the plant inoperable leading to pollution of the river Clodiagh.

- During the consultation period UE requested that the defence wall would go the full length of the ICW adjacent to the river and wrap around Southern end by 15 meters or so.
- From Chainage 72m through to 0, the embankment is higher than the defensive wall. 103.449m is the highest point of the embankment whereas the wall is 102.800m. The wall needs to be as high or higher than the embankment at all times. This is critical.
- Also, the defence wall should be stone faced in keeping with the stone wall at the entrance to the plant
- The proposed temporary working area is intruding onto the Settlement ponds and the treatment Pond No 1. The base and the embankments of these ponds must not be disturbed in any way.

- Highlighted that there are ducts carrying power/electronic signals and a rising main in the roadway that is covered by both the temp way leave and permanent way leave.
- The section drawings are set out at Figure 2 (DG3302 Area 3 Embankment & Wall - Cross Section Detail) and Figure 3 (DG3301 Area 3 Embankment & Wall - Plan and Long Sections) and should be available for public view. These drawings were not available on the LCC website and had to be provided to UE separately by LCC.

Under no circumstances should the temporary wayleave protrude beyond the eastern kerbstone of the existing access road. Also, full renewal of the surface water system/road surface/kerb stones/grass/landscaping on completion of the works.

#### Drinking Water Source Protection

There is uncertainty about the location of the active supply wells and the condition of the active and inactive supply wells. The EIAR cites the GSI database for locations, and a walkover survey. It is noted that the GSI wells database is not up to date and the UE infrastructure maps (<https://irishwater.maps.arcgis.com/>) showing active supply wells conflict with the information in the EIAR. In particular, the EIAR (Chapter 10: Land, Soils, Geology and Hydrogeology and Chapter 15: Materials and Assets) suggests that there are three active boreholes (two in Brittas Wood west of the River Clodiagh, one on the WTP site east of the River Clodiagh) (Refer to Figures 4: Location of UE boreholes in the vicinity of Area 1 (EIAR Chapter 10, RPS 2025), and Figure 5: Location of UI boreholes in the vicinity of Area 1 (EIAR Chapter 15, RPS 2025)). The UE infrastructure map shows only decommissioned/out-of-service wells at the WTP site. There is no mention of the physical condition of the boreholes.

- Confirmation of the active supply boreholes in the vicinity of Area 1 and the structural integrity of these and inactive boreholes must be submitted.



### Flooding Impacts

Area 1 - There is a possibility of surface water overtopping the embankment and flooding the borehole sites in Area 1, if there is a design underestimation. The EIAR does not explicitly discuss the risk of overtopping due to design underestimation, and potential impacts on drinking water sources.

Area 3 - If flood waters were to flow over through to the existing Wastewater Treatment Plant in Area 3 this could make the plant inoperable leading to pollution of the river Clodiagh.

### Proposed Temporary Working Area

Area 3 - The proposed temporary working area is intruding onto the settlement ponds and the treatment pond No 1. The base and the embankments of these ponds must not be disturbed in any way.

### Proposed Build Over and Diversion UE Assets

Concerns with the proposal to build the flood defence walls over the existing UE assets which would limit future access for maintenance. The trunk watermain that supplies Tullamore Town passes through the proposed Area 3 works area and a possible diversion is proposed. Applicant has not engaged with UE in relation to this. Given the significance of the infrastructure to be built over and/or diverted, the proposals need to be agreed with the UE Diversion's team prior to the issue of planning consent.

### Recommendation

Requests the following information is submitted:

1. In the event of flooding can it be demonstrated that there is no risk to the production wells located along the embankment and or the associate underground pipe work.
2. Can it also be demonstrated that in the event of flood with the debris trap blocked that it will not flood production wells.
3. Flood Relief project to engage with UE CDS department to Incorporate mitigation measures (if required) at the OPWs project expense. The works should be carried

out by UE and the developer (OPW/Laois) can engage with UE's CDS department to enter into an agreement for the works to be carried out on UE's live assets.

4. The proposed defence wall must be amended go the full length of the ICW adjacent to the river and wrap around southern end by at least 15 meters.

5. It is critical that the height of the defence wall must be amended to match the height or be higher than the proposed embankment at all times.

6. The defence wall should be stone faced in keeping with the stone wall at the entrance to the plant.

7. The proposed temporary working area to be amended not to intrude onto the settlement ponds and the treatment pond No 1. The base and the embankments of these ponds must not be disturbed in any way.

8. Under no circumstances should the temporary wayleave protrude beyond the eastern kerbstone of the existing access road.

9. Also, full renewal of the surface water system/roads surface/kerbstones/grass/landscaping on completion of works.

10. Confirmation of the active supply boreholes in the vicinity of Area 1 and the structural integrity of these and inactive boreholes must be submitted

11. The EIAR must address the risk of flooding and surface water overtopping underestimation, and potential impacts on drinking water sources in Area 1.

12. A diversion enquiry must be lodged and a Confirmation of Feasibility obtained for the proposed build over and diversions of UE assets

An Advisory Note includes for details on public network connection, build over of public infrastructure, separation distances as per Standards Codes & Practices, public drinking water sources, abstraction point(s) and/or abstraction infrastructure, the Water Framework Directive.

### **Response of Applicant to Objection 3 - Uisce Éireann (UE)**

1, 2 & 11. Risk of Flooding to abstraction boreholes

Information relating to the defence design is found in Section 5.1 Project Description of the EIAR. The following should be noted:

- The scheme is design to retain flood water levels for the 1% Annual Exceedance Probability (AEP) fluvial event;
- The Embankments are provided with 500mm freeboard above the 1% AEP level;
- The Area 1 embankment is designed for a situation where the debris trap has caught trees/woody debris and is substantially blocked;
- Model runs were completed to assess Climate Change scenarios where peak flows were increased by 30%. In this high-flow scenario there remained 0.23m freeboard on the Area 1 embankment.

Considering the above, contend that the design approach more than adequately mitigates against the risk of the abstraction boreholes being compromised by floodwater. In fact, the presence of the embankment will provide a level of flood protection to the boreholes which is not currently present.

### 3. Engagement with CDS and works on live UÉ Assets

During Consultation with UÉ during project planning, as discussed in 3.4.4 of the EIAR, applicant agreed to the approach of engaging with UÉ's Connection and Developer Services in preparation for Detailed Design. This again is mentioned in the Mitigation measures committed to in Chapter 15 Material Assets: Waste and Utilities. It is the preference of LCC that any works required on live UE assets are carried out or procured directly by UE. This also relates to build over agreements for the Tullamore supply Watermain mentioned in point c above.

### 4. Extent and height of the defence wall in the ICW land

The riverbank and ground levels on the ICW side of the river are sufficiently high to provide protection on that side. i.e. the presence of a flood embankment on the other side of the river is not increasing the flood risk to the ICW. As discussed throughout the EIAR, early consultation with UÉ and any other relevant service providers will be undertaken during the pre-construction detailed design stage and throughout the construction phase.

#### 5. Height of the Defence Wall

Understand UÉ's concerns in this regard. However, the riverbank and ground levels on that side of the river are sufficiently high enough to provide protection. i.e. the presence of a flood embankment on the other side of the river is not increasing the flood risk to the ICW. The drawings provided may not show the full topography clearly in this regard. As mentioned previously the Project Team is committed to engagement with UÉ during finalisation of detailed design and into construction

#### 6. Defence wall finish details

This can be discussed with UÉ at detailed design stage. It may have the unintended consequence of narrowing their access road.

#### 7. & 8. Temporary working area intruding on settlement pond

The intention is not to extend excavation works beyond the kerb line of the access road when working adjacent to the ICW settlement ponds. During the Area 3 construction phase works, temporary safety signage and fencing will be erected at the boundary between the construction work zones and the ponds.

#### 9. Reinstatement of existing drainage and surfacing

Full reinstatement of all surfacing, kerbing and associated drainage will be completed before demobilising from site.

#### 10. Confirmation of Boreholes in the Vicinity of Area 1 and structural integrity

The EIAR does cite the GSI data base as a source of information for abstraction points. The locations of UÉ infrastructure mapped within Chapter 10 Land Soil and Geology and Chapter 15 Material Assets are however based on confirmatory site visits, topographical surveys and Ground Penetrating Radar (GPR) Survey undertaken in June 2021, the results of which facilitated the Proposed Scheme design.

Regarding the integrity of the boreholes. The Proposed Scheme allows for the surveyed boreholes to remain in their current condition, by avoiding any interference during both the construction and operation of the Scheme. Notwithstanding this, prior to the commencement of any ground works, pre and

post-construction asset condition surveys will be undertaken across the Proposed Scheme area which will incorporate the existing UÉ abstraction points. In addition, as discussed in section 15.6.1.1 Material Assets, early consultation with utility providers will be undertaken prior to works and throughout the construction phase. Any surveys to boreholes would have to be done in close co-ordination with UE. Confirmatory location testing of all utilities and telecoms infrastructure that overlaps with the Proposed Scheme footprint will also take place.

In Section 10.8.1.4 the EIAR commits to monitoring the borehole water quality throughout the Project - Groundwater quality and level monitoring (background groundwater levels) of the existing Clonaslee PWS Plant and Forest boreholes will be monitored prior to, during and post construction in order to establish baseline conditions and demonstrate that the design of the Proposed Scheme has not impacted on groundwater quality and flow regime.

#### 12. Diversion enquiry must be lodged with Uisce Éireann Diversion's team

As discussed in section 3.4.4 of EIAR Chapter 3 Consultation, 'For the remainder of the project life cycle, the Clonaslee FRS team will engage with Uisce Éireann via their Connection and Developer Services department.' This approach was agreed with UÉ during consultation and engagement in August 2024.

##### a. Redirecting of flood water

As outlined in Appendix 11.1 and Chapter 4 of the EIAR, the Clonaslee Flood Relief Scheme will upgrade and formalise existing defences and ensure their integrity into the future. The proposed works do not position any areas into flood risk that are not currently already at risk. The UÉ letter incorrect in stating that the flood relief scheme plan is to redirect flood water.

##### b. Uncertainty about location and condition of water supply wells

The EIAR does cite the GSI data base as a source of information for abstraction points. The locations mapped however are based on site visits and topographical surveys commissioned during the flood scheme development.

Regarding the integrity of the boreholes. The Project Team's approach has been to ensure the boreholes remain in their current condition, by avoiding any

interference during construction or operation of the flood scheme. The Project Team will be commissioning pre and post-construction asset condition surveys. Logically this should include the Uisce Éireann abstraction points. Any surveys to boreholes would have to be done in close co-ordination with Uisce Éireann. Section 10.8.1.4 the EIAR commits to monitoring the borehole water quality throughout the Project.

## 7.0 Oral Hearing

### Background

- 7.1. An Oral Hearing was held on 28<sup>th</sup> October 2025. Oral submissions were heard by, or on behalf of, the parties, during the course of the Hearing. As the presiding Inspector, I commenced proceedings with an opening statement. Participants were informed that the purpose of the oral hearing was an information gathering exercise to assist in the consideration of the merits of the case and in drafting the report and recommendation to the Coimisiún in relation to the CPO Order.
- 7.2. Attendees were also advised that the CPO is confined to a particular set of considerations relating purely to the proposed acquisition of lands to accommodate the project, and that it is not a planning assessment of planning and environmental considerations and, therefore, these issues should not form part of the proceedings. Participants were also reminded that the Coimisiún has no role or jurisdiction in the determination or the assessment of compensation. The proceedings of the Oral Hearing are outlined in Appendix A of my report and referenced, where necessary, in the assessment section below (Section 8.0). The proceedings were recorded and are available to the Coimisiún on an audio file.

### Modifications

- 7.3. Modifications were proposed to the CPO both prior to and during the Oral Hearing by Coillte, which relate to a right of way, and licensing for access rights during construction works. Coillte have sought that 2 no. conditions be included in any confirmation by ACP of the CPO Order in respect of the Permanent Acquisition

Lands and the Temporary Works Areas Lands. This issue is addressed in Section 8.0.

## 8.0 Assessment

### 8.1. Overview

- 8.1.1. The proposed CPO relates to the construction of a Flood Relief Scheme for Clonaslee Village, which is sought to address the settlements susceptibility to flooding and protect its population and assets, including 74 properties, from the adverse impacts of flooding events. The settlement is currently reliant on informal constructed defences to provide flood protection to properties. The proposal is sited in three areas, and involves the construction of flood defence embankments, flood defence walls, the construction of a debris trap on the Clodiagh River, and remediation of an existing culvert crossing the Brittas Wood pathway in the form of a new precast concrete headwall.
- 8.1.2. The CPO seeks to acquire certain lands for the purposes of constructing and operating the scheme. The CPO refers to 33 plots of land within and outside of the Clonaslee Development Boundary. The CPO identifies the plots of land and their owners, with 29 plots privately owned.
- 8.1.3. 3 no. landowners have objected to the CPO. **Objector 1 Mary Whyte's** objection relates to Plots Nos. 1001a.01, 1001c.02, 1001row.03, identified as required for the purposes of 'permanent acquisition', 'temporary working area' and 'right of way' respectively. The land entails an agricultural field. These plots are within Area 3, which includes for the proposed construction of a flood defence embankment c. 130m long on the Clodiagh River's western bank. Mary Whyte has objected on grounds of severe severance and injurious affection, loss of development potential, disproportionate hardship, with supporting correspondence outlining a right of way would negatively impact on privacy and cause inconvenience, and that a temporary working area would cause disruption on the land.
- 8.1.4. **Objector 2 Coillte** has confirmed it has no objection in principle to the CPO Order subject to 2 no. conditions being included in the CPO Order in respect of the Permanent Acquisition Lands and the Temporary Works Areas Lands. The first condition includes for a right of way to be retained over the entire lands described in

Schedule, Part II, Schedule of the Notice (“the Permanent Acquisition Lands”) in favour of Coillte, its successors, licencees and assigns to be registered as a burden on the new Folio to be registered in favour of Laois County Council. I note Schedule, Part II includes Coillte Plots 0201a.01, 0201a.02, located in Area 1. I also note Schedule, Part IV includes Coillte Plot 0201row.08, located in Area 1.

- 8.1.5. The second condition relates to no access rights nor construction works being permitted by Coillte upon the Temporary Works Areas described in Schedule, Part III, of the Notice (“the Temporary Works Areas Lands”) until the terms of a Temporary Licence for Works are agreed in advance by Laois County Council with Coillte and duly executed by the parties. It is outlined the Licence for Works will include certain provisions in relation to indemnities to be provided by Laois County Council to Coillte and further policies of insurance to be put in place by Laois County Council in respect of but not limited to Public and Employers Liability Insurance. Coillte outlines it understands and notes that the Temporary Works Areas Lands will not be transferred from Coillte ownership notwithstanding that the Schedule Part III describes the lands as “Lands being temporarily acquired”. I note Schedule, Part III includes Coillte Plots 0201c.03, 0201c.04, 0201c.05, 0201c.06, 0201c.07, 0201c.09, located in Area 1.
- 8.1.6. I note Area 1 includes for the construction of a debris trap on the Clodiagh River, a flood defence embankment c. 135m long, and the remediation of an existing culvert crossing the Brittas Wood pathway in the form of a new precast concrete headwall.
- 8.1.7. **Objector 3 Uisce Eireann**, given its responsibility to protect public water and wastewater services, has requested that information is submitted in relation to: flood risk to production wells; mitigation measures; amendments to the defence wall of the ICW adjacent to the river; amendment to a proposed temporary working area; extent of a temporary wayleave; site renewal; active and inactive boreholes in the vicinity of Area 1; EIAR addressing the risk of flooding in Area 1; lodgement of a diversion enquiry and a Confirmation of Feasibility obtained for the proposed build over and diversions of UE assets.
- 8.1.8. In the CPO it is noted that UE are in ownership of Plot 1101b.01 (Schedule Part II Land being permanently acquired), Plot 1101c.02 (Schedule Part III Lands being temporarily acquired), Plot 1101pw.03 (Schedule Part IV Easements). These plots



are in Area 3, which includes for the construction of a reinforced concrete flood defence wall c. 80m long on the River Clodiagh's eastern bank within the grounds of the Clonaslee Integrated Constructed Wetlands (ICW).

8.1.9. The remaining landowners have not raised any objections.

8.1.10. My assessment of the proposed CPO considers the issues raised in the written objections submitted to the Commission, the points made at the Oral Hearing, and the 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**.

## 8.2. Community Need

8.2.1. The applicant (Laois County Council) has outlined in their submission the proposed Flood Relief Scheme is required as Clonaslee has a history of fluvial flooding due to its location and proximity to the Clodiagh River which traverses through the village. A flood event occurred on 22<sup>nd</sup> November 2017 which coincided with a breach in the stone wall that separates the river from Chapel Street, Clonaslee. It is outlined flooding would be an annual event if the stone wall was not in place.

8.2.2. In summary, the settlement is reliant on informal constructed defences to provide flood protection to properties. The FRS is required to address the settlements

existing susceptibility to flooding, with an expected increase in future flooding, and protect its population and assets, including properties, from the adverse impacts of flooding events.

- 8.2.3. The proposed FRS is detailed in the documentation accompanying the CPO. The proposal is sited in three areas, namely Area 1- Brittas Woods, Area 2- Chapel Street, and Area 3- Tullamore Road and Uisce Eireann Integrated Constructed Wetland (ICW), and in summary, comprises the following:

**Area 1- Brittas Woods**

- Construction of a debris trap on the Clodiagh River c. 250m upstream of the Clonaslee Bridge, comprising 6 no. concrete poles cast in a concrete base, associated access slipway and gated fence.
- Construction of a flood defence embankment c. 135m long along the existing amenity pathway in Brittas Wood.
- Remediation of existing culvert crossing the Brittas Wood pathway in the form of a new precast concrete headwall

**Area 2- Chapel Street**

- Construction of a reinforced concrete flood defence wall adjoining the western side of an existing wall at Chapel St and in third party land, on the western bank of the River Clodiagh. The concrete flood defence wall will measure 235m in length and match the existing height.
- Construction of a pedestrian footpath along the eastern side of Chapel St and associated infrastructure

**Area 3- Tullamore Road and Uisce Eireann Integrated Constructed Wetland (ICW)**

- Construction of a flood defence embankment c. 130m long on the Clodiagh River's western bank.
- Construction of a reinforced concrete flood defence wall c. 80m long on the River Clodiagh's eastern bank within the grounds of the Clonaslee Integrated Constructed Wetlands (ICW).

- The proposal includes all associated site works and ancillary development including the provision of 2 no. temporary construction compounds with associated facilities.

- 8.2.4. The applicant has set out the policy requirements in the submitted report 'Laois County Council Compulsory Purchase Order No. 1 of 2025 Clonaslee Flood Relief Scheme, Recommendation to apply Compulsory Purchase Order Procedures for lands in Clonaslee'. The submitted Clonaslee Flood Relief Scheme Planning Report (Section 5) also identifies and discusses the national, regional and local policy relevant to the proposal, with statements of compliance set out. Section 5 of my report includes for a summary of the relevant policy in relation to the CPO.
- 8.2.5. I acknowledge the relevant policy applicable to the scheme, as set out in the policy sections of the above reports, and I would highlight that the assessment and management of flood risks in Ireland is aligned to meet the requirements of the EU Floods Directive (2007/60/EC) through the Catchment Flood Risk Assessment and Management (CFRAM) Programme.
- 8.2.6. Central to the EU Floods Directive (2007/60/EC) is protecting communities from the risk and impact of flooding. It is noted an objective of CFRAM was to identify and map the existing and potential future flood hazard and flood risk in the areas at potentially significant risk from flooding, called Areas for Further Assessment (AFAs). The CFRAM Programme led to development of the Flood Risk Management Plan which identifies Clonaslee as an AFA (ID no. 250420) and concluded that an FRS will be progressed. Under the Flood Risk Management Plan Shannon Upper & Lower River Basin 2018, Clonaslee is identified as an AFA, with a proposed measure including to progress the development of a Flood Relief Scheme for Clonaslee.
- 8.2.7. The 2018 study identified 42 residential properties and 3 non-residential properties as being at risk from 1% AEP Fluvial flooding event. The applicant outlines in their Planning Report (Section 1.2) that updated flood modelling undertaken predicts that flooding has the potential to affect 72 residential properties and 2 commercial properties if the proposed development was not implemented, and there is a requirement to develop a FRS to protect residents and the village.

- 8.2.8. At the oral hearing, Mr. Robert White, representing Objector 1 Mary Whyte, stated while accepting that flooding has arisen within the village due to wall damage, that there was no justification or need for flood defences at the location of Mary Whyte's land in **Area 3**. It was highlighted that there is no history of recorded flooding on this land, with the existence of flood defences at this location, and that there is no capacity for flooding to arise at this area of the site.
- 8.2.9. In response, Mr. Barry Cahalin, Project Manager, RPS, representing Laois County Council outlined the need for a flood defence at this location, arises from the existing informal flood defence embankment at this location not meeting the design requirements for protection from a 1 in 100-year flood event.
- 8.2.10. In addressing the question of community need, and taking into account the extent of the proposed flood defences throughout the scheme, I have had regard to the updated flood modelling undertaken and the extent of the predicted 1% Annual Exceedance Probability (AEP) flooding, and the resultant properties being at risk from flooding, as indicated in the applicants Planning Report and submissions made. It is outlined detailed modelling carried out includes for updated topographical surveys, updated flow estimation at the local level, and an updated hydraulic model at the local level. I note the modelling indicates (Figure 1.1 of Planning Report, and Oral Hearing submission) in the event of a predicted 1% Annual Exceedance Probability (AEP) flood, with informal defences removed, flooding would arise within the village where there is a presence of residential properties, with flooding also arising to the north of the village both within Area 3 and in areas adjacent/in its immediate vicinity. I further note areas within the immediate vicinity of Area 3 includes for existing residential properties. On the basis of the information and flood modelling submitted, and details outlined by the applicant in the Oral Hearing, detailing the predicted 1% Annual Exceedance Probability (AEP) flooding with informal defences removed, I consider there is a potential for flooding to arise within lands in Area 3, and in its immediate vicinity which includes residential properties.
- 8.2.11. In conclusion, given the susceptibility of the settlement to flooding events, with a current reliance on informal defences, I would concur with the applicant that a FRS will provide flood protection for the settlement. Given the flooding history of the settlement, the presence of informal defences, and the flood modelling undertaken, I am satisfied that the existing informal defences are not reliable, and while acting as

flood defences, they are not designed for such a purpose. As such, a formal FRS is a requirement for the protection of the community.

- 8.2.12. I consider the needs of the community would be met by the CPO of the lands in question, that the applicant has demonstrated an essential community need would be met by the project, and that this would be facilitated by the permanent acquisition of lands, temporary acquisition of lands, and the acquisition of wayleaves, and rights over the lands in question, should the Coimisiún confirm the CPO.
- 8.2.13. Further discussion in relation to the suitability of the lands for a flood defence scheme, and flood defence design alternatives are addressed in sections 8.3 and 8.5 of this report.

### **8.3. Suitability of the Lands**

- 8.3.1. The applicant is seeking the permanent acquisition of lands, temporary acquisition of lands, acquisition of permanent wayleaves, and rights of way.

#### **Objection 1 (Mary Whyte)**

- 8.3.2. In relation to Objection 1 (Mary Whyte), the applicant is seeking to acquire lands for the purposes of permanent acquisition (Plot 1001a.01), temporary working area (1001c.02, 1001c.04) and a right of way (1001row.03).
- 8.3.3. I note these plots are required for the construction of a flood defence embankment on the Clodiagh River's western bank in Area 3, and to enable for access to the scheme at operational stage.
- 8.3.4. The Objectors submission dated 23<sup>rd</sup> July 2025 outlined that the acquisition of land will render the remaining portion of the property compromised and decrease its value, citing severe severance and injurious affection, loss of development potential and disproportionate hardship. Accompanying supporting correspondence from Robert White outlines the CPO would diminish the land available, indicated on plan as plot 1001a.01, the right of way would negatively impact on privacy and cause inconvenience, and the temporary working area would cause disruption on the land. It is further outlined that permission was granted for residential housing in 2004, and due to financial reasons the developments did not advance. It was stated that it was hoped that the land would be used in the future as residence for family members of the owner to facilitate their housing needs and continued residence in their locality.

- 8.3.5. The applicant in their response to Objector 1 submission in correspondence dated 22<sup>nd</sup> September 2025, detailed the area to be acquired for embankment construction was the minimum required, when considering the maintaining of the existing riparian riverside area, that the embankment footprint provides the required protection height and sufficient width, and also gives flexibility to adapt the embankment in the future. The response outlines the acquisition of land is required to deliver the objective of the flood relief scheme, i.e. to alleviate the risk of flooding during flood events with a 1% Annual Exceedance Probability for fluvial floods, which is the common standard of protection for flood schemes of this nature in Ireland. The response also outlines due to its location in a flood zone, the land is considered to have a low development potential without construction of the embankment. It is also outlined the acquisition will decrease the land available for agricultural use, for which compensation will be agreed.
- 8.3.6. In relation to the impact on the right of way, the applicant's response outlines that yearly maintenance and inspections will arise, to be planned in advance with the landowner to ensure livestock will not be disturbed. It is outlined there will be expected disruption over 6 months from the temporary working area, and compensation will be agreed as part of the CPO process. The response also highlights the planning history onsite which is within a flood zone.
- 8.3.7. At the **oral hearing**, Robert White, representing Objector 1 Mary Whyte, stated that there was no justification or need for flood defences at the location of Mary Whyte's land in Area 3. It was highlighted that there is no history of recorded flooding on this land, with the existence of flood defences at this location (including an embankment, trench, culvert), that there is no capacity for flooding to arise at this area of the site, and that there is no justification to the damage and diminishing of the property from a hypothetical flood. It was outlined the landowner may be in agreement to increase the embankment where it exists, and replant trees along a heightened embankment. In relation to the Right of Way, Robert White proposed a ROW entering the north side of the field would have less restriction on the landowner.
- 8.3.8. The applicant, Mr. John Harte representing, in their response to the submissions of Objector 1, stated at the oral hearing much of the submission in the written form deals with the issue of devaluation of the field as a potential site for a house, and that is primarily a compensation matter and should be dealt with in the context of

compensation before an independent arbitrator, and should not be matters to be dealt with by the Planning Commission as consideration of the CPO.

- 8.3.9. In relation to the Objectors point that the existing embankment is adequate, and that there is no significant flooding risk, Mr. Harte in response outlined the applications for planning permission for a house in the field have been turned down in 2013 and 2014 specifically because of an adjudged flooding risk at that location. The response outlined the evidence is that the embankment is inadequate in its current construction, that there is a flood risk that needs to be addressed, and there is a need for the embankment which is proposed. In relation to the submission on the embankment being enhanced, and trees being removed and replanted, it was outlined the evidence is this would cause a significant environmental impact, adjudged to be unacceptable, and the enhancement of the existing embankment was ruled out as a viable option.
- 8.3.10. The Objector, Mr. White raised the question on how the current embankment is inadequate, when the property has never flooded. The applicant, Mr. Cahalin representing, in response outlined for informal defences, past performance is not necessarily a guarantee of future performance, and they are designing for a 1 and 100 year flood event, with the modelling detailing weak points in the existing embankment. It was stated the embankment would be overtopped in the design event.
- 8.3.11. I note that the lands which are proposed to be acquired from objector 1 are described as a field. These plots are located outside of the Clonaslee Development Boundary, and include for areas within flood risk Zone A and Zone B, as indicated in the County Development Plan. I also note the modelling undertaken indicates that, in the event of a predicted 1% Annual Exceedance Probability (AEP) flood, with informal defences removed, flooding would arise within Area 3 and adjacent areas. I acknowledge that the permanent acquisition of lands at this location to construct a flood defence embankment involves landtake of 0.1889 ha, and a permanent right of way, from objector 1, and would therefore have a negative impact on the landowner due to the loss of land. However, I consider the extent of the acquisition would be reasonably expected for a Flood Relief Scheme of this type at this location, with the required area enabling for the requisite standard of protection while also enabling for the future upgrade of the FRS. I also acknowledge the concerns of the landowner in

relation to the disruption to the land from working areas, which I note would be temporary. I also note any inconvenience from a right of way would relate to operational maintenance of the scheme, with site visits and inspections being planned in advance by the applicant with the landowner.

8.3.12. In addition, I note the CPO proposes the permanent and temporary acquisition of property in private lands in Area 2 to facilitate the FRS. I also note these landowners have not raised any objections.

8.3.13. Alternative flood defence design options for the FRS and Area 3 are further discussed in section 8.5 of this report.

### **Objection 2 (Coillte)**

8.3.14. In relation to Objection 2 (Coillte), the applicant is seeking to acquire Coillte lands for the purposes of permanent acquisition (0201a.01, 0201a.02), temporary acquisition (0201c.03, 0201c.04, 0201c.05, 0201c.06, 0201c.07, 0201c.09), and a right of way (0201row.08).

8.3.15. I note these plots are required in Area 1, for the construction of a debris trap on the Clodiagh River, a flood defence embankment, the remediation of existing culvert crossing the Brittas Wood pathway in the form of a new precast concrete headwall, and to enable for access to the scheme at operational stage. The objector in their written submission dated 24 July 2025, confirms that it has no objection in principle to the CPO Order, subject to 2 no. conditions being included in the CPO Order in respect of the permanent acquisition lands and the temporary works areas lands. The first condition relates to a right of way to be retained over lands in favour of Coillte its successors, licensees and assignees to be registered as a burden on the new Folio to be registered in favour of Laois County Council. The second condition relates to no access rights nor construction works being permitted by Coillte upon the temporary works areas until the terms of a temporary licence for works are agreed. The second condition also outlines Coillte understand and note that the Temporary Works Areas Lands will not be transferred from Coillte ownership notwithstanding that the Schedule Part III describes the lands as "Lands being temporarily acquired".

8.3.16. The applicant in their response to submissions in correspondence dated 22<sup>nd</sup> September 2025, outlined in relation to the right of way, the intention in acquiring the



land covering the embankment footprint is to allow ease of maintenance only, with no fencing proposed and the area to be reopened for public use. It is submitted there should be no impediment to registering a wayleave to Coillte (and other parties who currently have access rights) on the new Folio to be registered in favour of Laois County Council.

- 8.3.17. In relation to access rights during construction, it is confirmed that it is not the intention to transfer ownership of the 'temporary works areas' from Coillte. It is also stated it is understood that works will be taking place within Coillte managed forestry area and will comply with any Coillte Licencing requirements.
- 8.3.18. At the **oral hearing**, Objector 2 Coillte read into the record its written submission dated 24<sup>th</sup> October 2025. This outlined that RPS on behalf of Laois County Council has responded to Coillte's Observations by letter dated 22<sup>nd</sup> September 2025, but noted that Coillte is not satisfied that the RPS response adequately deal with Coillte's Observations. It was submitted that the RPS response could have a broad interpretation, and to avoid the risk of ambiguities in the future, in relation to Coillte's requirements for the carrying out of works on the Temporary Works Areas Lands or in relation to the right of way to be retained, it was reiterated that Coillte has no objection to the CPO Order strictly on the basis of the two conditions outlined.
- 8.3.19. Representing the applicant, Mr. Harte, in response stated that Coillte have no principle objection to the CPO subject to their requirements being met, which the acquiring authority would say are not unreasonable, and they do not have an issue with granting a ROW over the lands that are being permanently acquired in favour of Coillte, and do not have an issue in reaching an agreement with regard to the manner in which the works will be carried out in the temporary works area.
- 8.3.20. Explaining how this might be incorporated into the order, the applicants representative stated that both issues in a standard CPO case are the type of issues addressed with accommodations works agreements. They stated that after the acquisition of ownership of the permanent acquisition and possession of the temporary acquisition, the acquiring authority has an obligation in compensation to Coillte, such that if they refuse to grant a permanent ROW over the lands, that would give rise to a compensation case by Coillte against the acquiring authority. It was outlined similarly, if the Council refuse to agree to indemnify Coillte with regard to

damage done in the temporary areas, these would be heads of claim under a compensation claim, where they would be obliged to make good the cost of disturbance, injurious affection, all the normal headings in an arbitration case for compensation.

8.3.21. Mr Harte outlined on behalf of LCC, that they don't have a difficulty with the conditionality that Coillte has placed on their consent to the CPO, but that LCC are obliged to comply with these issues anyway, because otherwise it will arise under the compensation phase of the CPO, as matters which would have to be addressed. Mr. Harte stated LCC will be granting a ROW to Coillte, rather than compensating them for denying them a ROW over the lands.

8.3.22. In response, Coillte, in referencing sight of a letter of Mr. Harte to the Council, that he did not see difficulty with a ROW, so long as it does not impact on flood relief works in any way, suggested to Coillte what was proposed was a limited ROW. Coillte outlined the land proposed to be acquired connects Brittas Foresty to the public road, so if there isn't an alternative ROW then there will be no public access to the forestry, and Coillte are seeking certainty that the ROW is not conditional.

8.3.23. In response, Mr. Harte outlined in principle there was no difficulty with a ROW, and that he can't see how it would impact on the flood relief works.

8.3.24. In response to a question from the Inspector to LCC, as to whether the changes being required by Coillte would require changes to the schedule, Mr. Harte responded that it doesn't change the schedule, the permanent acquisition shows the area that is to be acquired, and does not see how they would incorporate in a grant of way back in a change to the schedule. Mr. Harte outlined because the lands is already owned by Coillte, LCC are not extinguishing a ROW, they are acquiring full ownership, but it would be a grant back of a ROW which is what Coillte are seeking, or a reservation of a ROW from the schedule, with the CPO template not making provision to acquire the lands minus a ROW. It was stated by Mr. Harte if there was a condition imposed that a ROW be provided to Coillte, LCC wouldn't have a difficulty with that in principle, and in practice LCC would be granting that ROW to avoid a compensation claim arising at the arbitration stage, in any event.

8.3.25. In response, Coillte requested certainty that a ROW will connect Coillte lands to the public road.

- 8.3.26. I note that the plots which are proposed to be acquired from objector 2 are described as a forest trail, forest, forest trail and river, river. These plots are within/adjacent the development boundary, and where within are located within/adjacent areas zoned open space/amenity. The plots are also within/adjacent flood risk Zone A and Zone B. I consider the extent of the plot acquisition at these locations would be reasonably expected for a Flood Relief Scheme of this type, given its nature and location relative to the watercourse.
- 8.3.27. However, in relation to Coillte's first condition (a), and with certainty being sought in relation to being able to access forestry after the works are completed, I consider it would be appropriate and reasonable to amend the schedules to incorporate a right of way over lands, in favour of Coillte, to facilitate access. I also note that LCC would not have a difficulty with the principle of a condition imposed that a ROW be provided to Coillte. I consider this requirement can be addressed by way of a modification to the schedules, as set out in section 11 in this report, in the event of CPO confirmation.
- 8.3.28. In relation to Coillte's second condition (b), relating to no access rights nor construction works being permitted until the terms of a temporary licence for works are agreed, I note the applicant has outlined they will comply with any Coillte Licencing requirements. In addition, with Coillte understanding that the Temporary Works Areas Lands will not be transferred from Coillte ownership notwithstanding that the Schedule Part III describes the lands as "Lands being temporarily acquired", I further note the applicant has confirmed that it is not the intention to transfer ownership of the 'temporary works areas' from Coillte.
- 8.3.29. In my view, given the applicants stated compliance with any licencing requirements, and their confirmation of not intending to transfer ownership of the temporary works areas, I consider that the requirements sought in Coillte's second condition can be addressed by way of standard accommodations works agreements, as highlighted by LCC, and therefore would not be required to form part of an amended Schedule in this instance.

### **Objection 3 (Uisce Eireann)**

- 8.3.30. In relation to Objection 3 (Uisce Eireann), the applicant is seeking to acquire Irish Water plots for the purposes of permanent acquisition (1101b.01), temporary

acquisition (1101c.02,), and a wayleave (1101pw.03). I note these plots are in Area 3, and are required for the construction of a reinforced concrete flood defence wall on the River Clodiagh's eastern bank within the grounds of the Clonaslee Integrated Constructed Wetlands (ICW).

8.3.31. Uisce Eireann in its written submission dated 30<sup>th</sup> July 2025 has requested that information is submitted in relation to the CPO, which relates to flood risk, amendments to the FRS, extent of a temporary wayleave, site renewal, boreholes, diversion enquiry and a confirmation of feasibility for a proposed build over and diversions of UE assets.

8.3.32. The applicant in their response to submissions in correspondence dated 22<sup>nd</sup> September 2025, has outlined the following:

- In relation to the risk of flooding, contends that the design approach more than adequately mitigates against the risk of the abstraction boreholes being compromised by floodwater, with the embankment providing a level of flood protection to the boreholes which is not currently present.
- Outlines it is the preference that any works required on live UE assets are carried out or procured directly by UE, which also relates to build over agreements for the Tullamore supply Watermain.
- In relation to the extent and height of the defence wall in the ICW land, it is outlined the riverbank and ground levels on the ICW side of the river are sufficiently high to provide protection on that side. i.e. the presence of a flood embankment on the other side of the river is not increasing the flood risk to the ICW. On the height of the Defence Wall, it is outlined the riverbank and ground levels on the ICW side of the river are sufficiently high enough to provide protection.
- The defence wall finish details can be discussed with UÉ at design stage.
- In terms of the temporary working area intruding on settlement pond, it is outlined the intention is not to extend excavation works beyond the kerb line of the access road when working adjacent to the ICW settlement ponds, with signage and fencing being erected.
- There will be reinstatement before demobilising from site.

- In relation to the confirmation of Boreholes in the vicinity of Area 1 and structural integrity, the locations of UÉ infrastructure mapped are based on site visits, surveys. The proposal allows for the surveyed boreholes to remain in their current condition, by avoiding any interference during construction and operation. Prior to the commencement of any ground works, pre and post-construction asset condition surveys and consultation with utility providers will be undertaken. There will be monitoring of borehole water quality throughout the project.
- In relation to a diversion enquiry, the Clonaslee FRS team will engage with Uisce Éireann via their Connection and Developer Services department, with the approach agreed with UÉ in 2024.
- On the redirecting of flood water, the proposed works do not position any areas into flood risk that are not currently already at risk.

8.3.33. During the **oral hearing** Uisce Éireann/Irish Water, represented by Mr. Paraic Joyce and Mr. Martin Quinn, stated that assurances have been given by LCC in meetings that the level of the wall and road on the ICW side will be at all times level or higher than the constructed embankment opposite, to protect the ICW. It was outlined if the embankment is heightened in the future, the wall in the ICW be heightened in tandem. In relation to the temporary wayleave and settlement ponds, it is outlined IW can work with LCC at the detailed design stage to ensure there is no upset to ponds. In relation to engineering, IW would like the wall to have the same sandstone face as the entrance wall.

8.3.34. The applicant, Mr. Harte in response to the oral hearing submission, in relation to the heightening of the embankment in any future flood relief scheme, and that the wall would be heightened in tandem, stated the current position is that the height of the embankment is lower than the wall on the UE side of the river, and in any further scheme a similar philosophy will be followed. In relation to the protection of the ponds, including in part of the temporary works area Plot 1101c.02, it is conceded that the inclusion of some of the ponds in the works area may have been excessive, and it seems there is an understanding between LCC and UE that those ponds will not be interfered with in any way. On the facing of the wall, it was outlined it will be

fair faced concrete, and the height of the wall is 254mm, with a high kerb appearance.

8.3.35. In response, UE outlined the height of the wall could be increased at design stage to have a stone face.

8.3.36. I note that the lands which are proposed to be acquired from objector 3 (Irish Water) are described as an ICW. These plots are located outside of the Clonaslee Development Boundary, and are within/adjacent to flood risk Zone A and Zone B, and are also within/adjacent a buffer zone for sewage treatment plant. I consider the extent of the land acquisition would be reasonably expected for a Flood Relief Scheme of this type, given its nature and location relative to the watercourse.

#### Conclusion

8.3.37. I am 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 Clonaslee Flood Relief Scheme. This is subject to a modification to the schedules, as set out. In terms of a concern raised by an objector in relation to scheme design alternatives, this is addressed in Section 8.5 (Consideration of Alternatives) of my report.

8.3.38. The plots of land which are proposed for acquisition are within/adjacent/nearby the River Clodiagh in Clonaslee and I do not consider any plots of land have been included unnecessarily as part of the CPO. In reaching this conclusion, I have reviewed the CPO application documentation received by the Commission, including its mapping, and the nature of the proposed project, which is set out in the submissions made by Laois County Council.

8.3.39. In conclusion, I am satisfied that the lands subject to this CPO application are suitable and required to accommodate the proposed Flood Relief Scheme, and that this is in the interest of protecting and meeting the community need.

#### **8.4. Compliance with Planning Policy**

8.4.1. The assessment and management of flood risks in Ireland was aligned to meet the requirements of the **EU Floods Directive (2007/60/EC)** through the **CFRAM Programme**. As highlighted in Section 5, the CFRAM Programme and **Shannon Upper & Lower River Basin Flood Risk Management Plan (2018)** identify

Clonaslee as an Area for Further Assessment, and for the development of a Flood Relief Scheme for the settlement.

- 8.4.2. The **NPF** in NPO 77 seeks to enhance water quality and resource management by ensuring that River Basin Management Plan objectives are fully considered throughout the physical planning process. The **RSES** acknowledges the importance of the reduction and proactive management of flood risk, with RPO 7.13 seeking to implement the recommendations of the CFRAM programme, RPO 7.14 outlining Local authorities shall take account of the recommendations of the Flood Risk Management Plans, and RSO8 seeking to Build Climate Resilience.

#### **Laois County Development Plan 2021-2027**

- 8.4.3. The CDP outlines that the EU Floods Directive and the National Flood Policy Review Report (2004) set the parameters for flood management in Ireland, and that the National Catchment Flood Risk Management Programme (CFRAM) is the principal response to the EU Flood Directive on the assessment and management of flood risk. The Plan outlines over the past number of years there have been significant instances where flooding has occurred in areas of the County causing damage to homes and businesses, and as a result of climate change, there is a likelihood of increased rainfall and rising sea levels. It is outlined this in combination with the urbanisation of its settlements results in a greater flood risk to property.
- 8.4.4. As outlined in Section 5, the CDP includes for a number of provisions which set out support for the implementation of flood infrastructure. Objective FRM 3 seeks to support the implementation of recommendations in the CFRAM Programme to ensure that flood risk management policies and infrastructure are progressively implemented, with FRM 4 seeking to support the implementation of recommendations in the Flood Risk Management Plans (FRMP's), including planned investment measures for managing and reducing flood risk. FRM 12 aims to prioritise plans for flood defence works in the towns as indicated in the Strategic Flood Risk Assessment in order to mitigate against potential flood risk. CA 1 aims to support and facilitate European and national objectives for climate adaptation and mitigation as detailed in climate and adaptation documentation taking into account provisions of the Plan including those relating to land use planning, flood risk management and drainage.

- 8.4.5. In the settlement hierarchy for Laois, Clonaslee is identified as 'villages' with a population of 566 in 2016. The plan outlines villages with populations over 500 have an important role to play in performing local residential, retailing, social and leisure functions and providing appropriate local services to a wider rural hinterland. The Plan outlines rural area policy objectives seek to support housing at an appropriate scale, and to facilitate the expansion of villages and small towns to provide for employment, retail and social opportunities at an appropriate scale subject to normal planning requirements. The Strategic Flood Risk Assessment identifies that part of the Clonaslee Village Centre and Existing Residential lands north of the R422 are within Flood Zone A/B.

#### Zoning

- 8.4.6. I note that plots which are subject to the CPO are located both within and outside the development boundary.
- 8.4.7. To the southern area of the site, Plot 0201a.01, Plot 0201a.02, Plot 0201c.09 are within/adjacent the development boundary, and where within are zoned Open Space/Amenity, which is to preserve, provide for and improve active and passive recreational public and private open space. Plot 0201row.08 is within/adjacent the development boundary. Plot 0201c.03, Plot 0201c.04, Plot 0201c.05, Plot 0201c.06, Plot 0201c.07 are within the development boundary, located within/adjacent areas zoned Open Space/Amenity.
- 8.4.8. CPO plots to the central area of the site are located within/adjacent the zoned area 'town centre', which is 'to protect and enhance the special physical and social character of the existing town centre and to provide for and improve retailing and commercial activities'. CPO plots are also located within the zoning 'residential 1. established', which is 'to protect and enhance the amenity of developed residential communities'.
- 8.4.9. Given the siting of the FRS relative to the above listed zoned areas, I consider it would not substantially impact on the uses of such areas/sites. I therefore consider that the FRS would not materially contravene the CDP.
- 8.4.10. To the northern area of the site, Plot 1101b.01, Plot 1101c.02, Plot 1101pw.03 are outside the development boundary. These plots are located within/adjacent a buffer zone for a sewage treatment plant. Land use zoning 'transport and utilities' is 'to



provide for the needs of all transport users and other utility providers'. Given that the siting of the FRS would not substantially impact on this area, I consider that the FRS would not materially contravene the CDP.

- 8.4.11. In addition, to the northern area of the site, I note Plot 1001c.02, Plot 1001a.01, Plot 1001row.03, and Plot 1001c.04 are also outside the Clonaslee development boundary.

#### Conclusion

- 8.4.12. Having regard to the foregoing, I am satisfied that the lands affected by the proposed CPO substantially accord with national, regional and local planning policy and there would be no material contravention of the County Development Plan.

### **8.5. Consideration of Alternatives**

- 8.5.1. The 'Laois County Council Compulsory Purchase Order No. 1 of 2025 Clonaslee Flood Relief Scheme Recommendation to apply Compulsory Purchase Order Procedures for lands in Clonaslee' report (dated 9<sup>th</sup> June 2025), considers the options for the proposed Flood Relief Scheme. RPS Consulting Engineers were engaged by the applicant to take the FRS through the project stages.
- 8.5.2. The report sets out the scheme background and design (Section 4.0), with Stage 1 of the project involving the development of flood defence options and the identification of a preferred scheme. Following the development of a hydraulic model for the catchment and flood map generation, an assessment including for the consideration of design options which would be technically viable was undertaken, with a 'do nothing' scenario not considered a viable option. At the preliminary optioneering stage, 4 options were considered but these were ruled out on the basis of not being viable, as they did not deliver the standard of protection to the village. These options included: upstream natural water retention; improved channel conveyance by dredging; improved channel conveyance by weir removal; and upstream storage and conveyance combination.
- 8.5.3. In terms of deeming the above approaches not viable, it is noted the report in Section 1.0 outlines the CFRAM Study was completed prior to the November 2017 flooding and did not take account of the impacts of that flood event. It further outlines the CFRAM Study Preliminary Options Report (July 2016) recommended increasing

the channel capacity by dredging a section of the Clodiagh River and removing the existing weir and localised levelling of the riverbed on the Clodiagh River upstream of the R422 bridge, with improved topographical and flow record data since then revealing that this would not be sufficient to adequately reduce flood risk in the village. I further note that the 2018 FRMP, in its mapped Clonaslee option, outlines the plan provides the indicative details of a potential flood risk management option developed for the Shannon CFRAM Study, with information provided suitable as a concept design only, which will need to be reviewed before commencement of any detailed design phase.

8.5.4. The submitted 2025 report outlines the scheme options that could deliver the standard of protection included:

- Hard defences
- Hard defences and overland conveyance

These options were modelled in greater detail to confirm the resulting impact on flooding in the area. Details submitted outline a social, environmental, technical, and economic assessment of the options was then used to establish the preferred option.

8.5.5. In terms of future scheme resilience, the preferred option has been developed to consider the impact of climate change, modelled using the Mid-Range Future Scenario (MRFS) flows, which identifies actions required to adapt the defences in the future to allow for the anticipated impact of climate change. This includes the proposed flood wall height, with embankments designed to enable crest levels to be raised in the future.

8.5.6. During the Oral Hearing, Mr. Cahalin, Project Manager, RPS, representing the applicant, further outlined in the design development, high level screening of options included Do minimum (carry out some remedial work to existing defences), and the relocation of properties at risk, with these options Screened out as they did not fulfil the design objectives. Option 1 included for the formalising and bolstering of the existing defences, with Option 2 including for a modification to Option 1 to include a new conveyance area. Details were also outlined in relation to debris management options.

- 8.5.7. The applicants report outlines there are 12 landowners affected by the CPO, and I note the CPO refers to 33 plots of land, with 29 plots privately owned. I am satisfied that the extent of land proposed to be acquired has been limited to that required to facilitate the proposed FRS and its maintenance and operational stages, which aligns with the preferred option considered (Option 1), and which has been considered with other design options, as outlined in the report, and by the applicant during the oral hearing.

#### Design Alternatives - Area 3

- 8.5.8. During the oral hearing, discussions were held between the applicant and Objector 1, represented by Robert White, in relation to various flood defence options at a field site at Area 3. Options discussed included utilising the existing embankment at this location as a flood defence embankment, the enhancement of this existing embankment by way of increasing its height with tree replanting, and dredging, with Objector 1 outlining Laois County Council had failed to acknowledge the existing flood defences on the lands.
- 8.5.9. The applicant, represented by Mr. Cahalin, who stated he had visited the site, outlined the need for a flood defence embankment at this location arises from the existing informal flood defence embankment at this location not meeting the design requirements for protection from a 1 in 100-year flood event. It was outlined the existing embankment included local weak points, and would be overtopped in the design event. In addition, with two informal flood defences present, the applicant outlined they are seeking a scheme to provide confidence into the future.
- 8.5.10. In response to Mr. Whites submission that they may be in agreement to increase the embankment where it exists, and replant removed trees along a heightened embankment, the applicant, represented by Mr. Cahalin, detailed concerns on the existing embankment's structural integrity, and the required protection being sought. The applicant, represented by Ms. Atkinson, RPS, also outlined the removal of the mature riparian woodland strip adjacent to the river would be a significant effect, with replanting taking decades for the woodland to recover. Mr. Cahalin further detailed that it is not good practice to plant trees/plants on embankments due to structural interference. Furthermore, it was outlined if a tree falls within the flood embankment during a flood event, it leaves a hole when its needed most.

- 8.5.11. On the option of dredging, the applicant, represented by Mr. Cahalin outlined this didn't deliver flood protection sought. It was outlined from a technical viewpoint it didn't reduce the water levels to prevent the need for an embankment or wall, would be detrimental from an environmental viewpoint, and would be a temporary measure from an operational viewpoint, and was therefore ruled out.
- 8.5.12. In response to an Inspectors question on land acquisition applying to all viable options, the applicant confirmed acquisition would apply to all viable options.
- 8.5.13. I note the consideration of alternative options undertaken has sought to determine a flood relief scheme type option which would be technically viable in delivering a standard of protection to the settlement, which has been subject to historical flooding events, and where modelling indicates in the event of a predicted 1% Annual Exceedance Probability (AEP) flood, with informal defences removed, that flooding would arise within the village and to the north of the village. On the basis of the information submitted, and details outlined in the oral hearing by Laois County Council, I am satisfied that the proposed FRS aligns with a preferred and reasonable option.

#### Conclusion

- 8.5.14. Given the nature, extent and siting of the scheme, I acknowledge that the acquisition of lands will lead to concerns from landowners. However, having regard to the nature of the proposal and its siting, I consider that the proposed acquisition of the subject lands is a reasonable means of progressing the delivery of the FRS which would benefit the community.
- 8.5.15. In conclusion, I am satisfied that the applicant has considered alternative means of meeting the community needs by way of a flood relief scheme, and that these alternatives are not demonstrably preferable. I consider the selected FRS and the acquisition of lands is a reasonable means of progressing the development, and that the outlined proposal is the optimum FRS. On this basis, I conclude that the applicant has complied with this element of the CPO criteria.

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

- 8.6.1. Having regard to the settlements susceptibility to flooding, I consider that the provision of a Flood Relief Scheme in Clonaslee would protect and benefit the

community and its assets. I also acknowledge that the acquisition of lands to construct, maintain and operate the scheme would have a negative effect on a landowner due to the loss of land, disturbance, and inconvenience. Furthermore, I acknowledge that there will be the permanent acquisition of lands within Coillte and UE properties.

- 8.6.2. However, it is noted that the plots of land which are proposed for acquisition are within/adjacent/nearby the River Clodiagh in Clonaslee, and I do not consider any plots of land have been included unnecessarily as part of the CPO. The applicant, in their application documentation, submissions, and in the oral hearing, has detailed the FRS design protection requirements, which are sought to enable the requisite standard of protection.
- 8.6.3. I am satisfied that the process and procedures undertaken by Laois County Council have been fair and reasonable, that LCC has demonstrated the need for the lands and that all the lands being acquired are both necessary and suitable to facilitate the provision of the Clonaslee Flood Relief Scheme.
- 8.6.4. Having regard to the constitutional and Convention protection afforded to property rights, I consider that the acquisition of lands as set out in the compulsory purchase order and on the deposited maps pursues, and is rationally connected to, a legitimate objective in the public interest, namely the Clonaslee Flood Relief Scheme.
- 8.6.5. I am also satisfied that the acquiring authority has demonstrated that the means chosen to achieve that objective impair the property rights of affected landowners as little as possible; in this respect, I have considered alternative means of achieving the objective referred to in submissions to the Commission, and am satisfied that the acquiring authority has established that none of the alternatives are such as to render the means chosen and the CPO made by the acquiring authority unreasonable or disproportionate.
- 8.6.6. The effects of the CPO on the rights of affected landowners are proportionate to the objective being pursued. I am further satisfied that the proposed acquisition of these

lands would be consistent with the policies and objectives of the Laois County Development Plan 2021-2027. Accordingly, I am satisfied that the confirmation of the CPO is clearly justified by the exigencies of the common good.

## 9.0 Recommendation

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

- the acquisition of the lands under the CPO would serve a community need that advances the common good,
- the particular land is suitable to meet that need,
- the proposal does not materially contravene the Laois County Development Plan 2021-2027,
- alternatives have been considered, and there is no alternative which is demonstrably preferable, and
- the proposed acquisition is proportionate and necessary.

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

## 10.0 Reasons and Considerations

Having considered the objections made to the compulsory purchase order, the written submissions and observations made to the Oral Hearing held on 28<sup>th</sup> October 2025, the report of the Inspector who conducted the oral hearing into the objections, the purpose of the compulsory purchase order which is to acquire lands for the construction of the Clonaslee Flood Relief Scheme, and also having regard to the following:

- (i) the constitutional and Convention protection afforded to property rights,
- (ii) the importance of the scheme in the context of the history of flooding

in the settlement, and the existing settlement relying on informal constructed defences to provide flood protection

- (iii) the identified community need, public interest served and overall benefits to be 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 provision of the Clonaslee Flood Relief Scheme,
- (vi) the policies and objectives of the Laois County Development Plan 2021-2027, which are not materially contravened,
- (vii) the submissions and observations made at the Oral Hearing held on 28<sup>th</sup> October 2025
- (viii) the report and recommendation of the Inspector

it is considered that subject to the modifications to the Order (Schedule) as set out in the Schedule below, the permanent acquisition of lands, the temporary acquisition of lands, the permanent acquisition of wayleaves and rights of way, by Laois County Council, as set out in the compulsory purchase order and on the deposited maps, is necessary for the purpose stated, 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 Coimisiún agrees with and adopts the analysis contained in the report of the person who conducted the oral hearing into the objections.

## 11.0 Schedule

The compulsory purchase order (Schedule) shall be modified as follows:

Amend the compulsory purchase order (CPO) Schedule, Part II, and CPO Deposit Map Drawing No. LCC/0713006C/CPO/0001 for a new private right of way over Plot 0201a.01, Plot 0201a.02, Plot 0101a.01, to be acquired by Coillte, to facilitate access.

Amend the compulsory purchase order (CPO) Schedule, Part IV, and CPO Deposit Map Drawing No. LCC/0713006C/CPO/0001 for a new private right of way over Plot 0201row.08, to be acquired by Coillte, to facilitate access.

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.

---

David Ryan  
Senior Planning Inspector

14<sup>th</sup> November 2025



## **Appendix A – Oral Hearing Proceedings**

### **Background**

An Oral Hearing (OH) was held on Tuesday, 28<sup>th</sup> October 2025, in relation to the proposed compulsory acquisition sought by Laois County Council for the Clonaslee Flood Relief Scheme, in Clonaslee, Co. Laois. The proceedings were held remotely at the offices of An Coimisiún Pleanála using Microsoft Teams software. The following were in attendance and made submissions at the Oral hearing.

#### **1. Submissions on behalf of Laois County Council (LCC)**

- John Harte, Solicitor – opening remarks, and legal context for the proposed CPO
- Adrian Barrett, Senior Engineer, LCC – provision of witness statement (Engineering), information on overview of Flood Relief Scheme and its need
- Barry Cahalin, RPS – provision of witness statement, overview of compulsory land acquisition, information on justification for Flood Relief Scheme acquisition, and response to submissions
- Nathan Smith, Senior Executive Planner, LCC - provision of witness statement (Planning), information in relation to planning history
- Siobhan Atkinson, RPS - provision of witness statement, information in relation to biodiversity

#### **2. Submission by Objector 1**

- Robert White – representing Mary Whyte

#### **3. Submission by Objector 2**

- Yvonne O'Connell, - representing Coillte

- Aidan Reynolds, - representing Coillte

#### **4. Submission by Objector 3**

- Paraic Joyce – representing Uisce Éireann
- Martin Quinn - representing Uisce Éireann

#### **5. Opening of Hearing**

- The Inspector (David Ryan) commenced the oral hearing at 10.00 am. Due to technical issues the oral hearing was rescheduled for 10.30am. The oral hearing was recommenced at 10.30 am.
- Following introductory remarks, and confirmation of attending parties, it was requested that before LCC outlines their case, its legal representative set out their understanding of the separation of the 2 consent processes, that is the development application consent process, and the CPO process. It was also requested that the legal representative also set out their understanding of the bounds of the compensation process, and the arbitration process.
- Following the setting out of the requested processes by Mr. John Harte, Solicitor, acting for LCC, and confirmation of the witnesses present for LCC, it was requested that LCC outline their case for the CPO.

#### **6. Submission of Laois County Council**

##### *Overview and CPO Justification*

- Mr. John Harte, Solicitor, acting for Applicant confirmed who was present to make presentations on behalf of LCC.
- Mr. Harte set the context for the CPO. He also outlined who would make submissions on behalf of LCC, including Mr. Adrian Barrett, Mr. Barry Cahalin, and Mr. Nathan Smith.

##### Mr. Adrian Barret

Key issues raised:

- Described the background and need for the flood relief scheme.
- Outlined the OPW undertook the CFRAM studies between 2011 and 2015, which identified the flood risk to communities across Ireland, and identified Clonaslee village as an area for further assessment. Outlined given the complexities of flood relief design, LCC engaged the services of RPS to undertake detailed analysis and design of the scheme that would be socially, technically and economically viable.
- Stated that LCC in conjunction with RPS have designed a scheme that addresses flood risk which also satisfies the public need for flood resilience.

#### Mr. Barry Cahalin

##### Key issues raised:

- Outlined an overview of the compulsory acquisition application, which includes 3 separate mapped areas, Area 1 - Brittas Woods, Area 2 - Chapel Street and Area 3 - Tullamore Road. Stated they are seeking to acquire lands where there will be permanent flood defence assets, are seeking temporary working areas to construct assets, are seeking rights of way so assets can be accessed in the future, and permanent wayleaves for maintenance.
- Detailed a justification for the scheme, outlining there is an identified flood risk in Clonaslee, arising from existing informal defences that are in village, that are not fit for purpose. Outlined the wall vulnerability in Chapel Street was demonstrated in 2017 when a rainfall event coincided with a gap in the wall left after a vehicle collision, and the flood event demonstrated the wall was not fit for purpose to act as a flood defence. Stated the rainfall event causing the flood event is not unusual event. Outlined there is also a risk of blockage at Clonaslee Bridge.
- Detailed the CFRAM's Report 2016 presented a flood map defining the area in need of protection, and CFRAM maps do not include informal flood defences. 45 properties were identified as being at flood risk, and implementation of a viable flood relief scheme was identified for Clonasee

- Stated RPS were appointed in 2021, and outlined updated models, surveying, and mapping were carried out, with information gathered from public information days. Stated the current flood risk in Clonaslee is dependant on existing defences, and with defences removed there is a flood risk to 72 properties.
- Detailed in developing the scheme the two main objectives are to bolster existing defences and prevent blockage at Clonaslee Bridge
- Explained the alternatives considered for flood schemes, which included looking at do nothing and do minimum scenarios, and the relocation of properties at risk, which were discounted/screened out. Other options outlined included natural water retention measures, increased conveyance through dredging, weir removal, which were discounted.
- Detailed Option 1 included to bolster the existing defences, and to not increase flood risk elsewhere and to the ICW. Outlined Option 2 included a modification in village area to give the water a better flow path. Outlined debris management options considered. Stated that options were run through OPWs Multi-criteria analysis process.
- Described the overall final flood scheme design in Areas 1-3, with Area 1 including an embankment and debris trap. In relation to the Coillte submission, detailed it is the intention they wouldn't interfere with Coilltes operation of the woodland and amenity area, and any agreements on rights of way would be seen as a formality. Outlined any work would be done under licence agreement with Coillte. In relation to the submission of Uisce Eireann, outlined existing infrastructure will be protected, and monitoring will occur, and that the embankment will mean there is no increased flood risk to infrastructure. Stated the applicant will engage with UE.
- Outlined the design of the scheme in Area 2 and that there are no submissions in this Area.
- Described flood defences in Area 3 and outlined the submissions received from Mary Whyte and Uisce Eireann. In relation to extent of land being required in Area 3 at the embankment site (Mary Whyte lands), detailed the

benefits of the embankment with flood mapping outlined, infrastructure constraints, environmental considerations including the optioneering process, and the embankment design.

- In relation to the loss of development potential at the embankment site, outlined previous applications at this location, and that the most recent application was refused as development was partially within flood risk zone A. Detailed existing infrastructure will impact on development potential, and set out the alternatives considered.
- Outlines they accept the temporary working area will cause disruption to the landowner, taking use of the entire field. Works will take place over a 6-month period. Regarding disruption from the Right of Way, outlined visits will be planned in advance to minimise inconvenience for maintenance and inspections. Outlined options on the right of way siting.
- In relation to the Uisce Eireann submission and the flood wall on east side of river, outlined the design of wall, finishes, and stated the design objective is to not increase flood risk to the ICW. In reference to the temporary working area encroaching on ICW Ponds, outlined it is the intention not to extend works beyond the kerb line of the access road. Stated the reinstatements for the ICW site.

#### Mr. Nathan Smith.

Key issues raised:

Detailed an overview of the planning history of Area 3 - Mary Whyte Lands

- 03/1628: Outline permission granted for 2 houses
- 04/879: Permission granted to omit condition 16 of 03/1628
- 06/45: Outline Permission refused for 4 dwellings
- 06/1172: Outline Permission granted for one dwelling
- 12/269: Permission refused for one bungalow
- 13/243: Permission refused for one bungalow. ABP PL11.243327 Refused on appeal.

## **7. Submission by Objector 1 (Mary Whyte)**

- Inspector called for Objector 1 to present their submission
- Mr. Robert White, representing the landowner Ms. Mary Whyte, made a submission in relation to the proposed CPO. Concerns are summarised in Section 6 of this report and assessed in further detail under Section 8.
- The written submission is on file and available for the Commission
- The objector raised a number of issues in relation to the justification for flood defences.
- Some of the key concerns raised by the Objector included that there was no need for flood defences at the location of Mary Whyte's land, highlighting that there is no history of recorded flooding on this land, with the existence of flood defences at this location (including an embankment, trench, culvert), that there is no capacity for flooding to arise at this area of the site, and that there is no justification to the damage and diminishing of the property from a hypothetical flood. It was outlined the landowner may be in agreement to increase the embankment where it exists, and replant trees along a heightened embankment. In relation to the Right of Way, Robert White proposed a ROW entering the north side of the field would have less restriction on the landowner.

## **8. Questioning between Parties**

- Objector 1 was afforded the opportunity to question the applicant and its representatives
- Several points were raised and expanded upon during the Oral Hearing proceedings. Relevant points of interest are referred to in the assessment section of this report (Section 8).
- I note this part of the Oral Hearing is available on the digital recording of the OH proceedings.

## **9. Submission by Objector 2 (Coillte)**

- Inspector called for Objector 2 to present their submission
- Ms. Yvonne O'Connell and Mr. Aidan Reynolds, representing Coillte, made a submission in relation to the proposed CPO. Concerns are summarised in Section 6 of this report and assessed in further detail under Section 8.
- The written submissions are on file and available for the Commission
- The objector raised a number of issues in relation to the CPO.
- The key concerns raised by the Objector included that it has no objection to the CPO Order, strictly on the basis of two conditions outlined, which relate to (a) a right of way being retained over lands described in Schedule, Part II, Schedule of the Notice (the Permanent Acquisition Lands) in favour of Coillte, and (b) No access rights nor construction works being permitted by Coillte upon the Temporary Works Areas described in Schedule, (the Temporary Works Areas Lands) until the terms of a Temporary Licence for Works are agreed, with Coillte further understanding the Temporary Works Areas will not be transferred from Coillte ownership notwithstanding that the Schedule Part III describes the lands as being temporarily acquired.

## **10. Questioning between Parties**

- Objector 2 was afforded the opportunity to question the applicant and its representatives
- Several points were raised and expanded upon during the Oral Hearing proceedings. Relevant points of interest are referred to in the assessment section of this report (Section 8).
- I note this part of the Oral Hearing is available on the digital recording of the OH proceedings.

## **11. Submission by Objector 3 (Uisce Éireann)**

- Inspector called for Objector 3 to present their submission

- Mr. Paraic Joyce and Mr. Martin Quinn, representing Uisce Éireann made a submission in relation to the proposed CPO. Concerns are summarised in Section 6 of this report and assessed in further detail under Section 8.
- The written submission is on file and available for the Commission.
- The objector raised a number of issues in relation to the CPO.
- Outlined assurances have been given by LCC that the level of the wall and road on the ICW side will be at all times level or higher than the constructed embankment opposite, to protect the ICW. Objector outlined if the embankment is heightened in the future, the wall in the ICW be heightened in tandem. In relation to the temporary wayleave and settlement ponds, the objector outlined they can work with LCC at the detailed design stage to ensure there is no upset to ponds. In relation to engineering, the objector would like the wall to have the same finish as the entrance wall.

## **12. Questioning between Parties**

- Objector 3 was afforded the opportunity to question the applicant and its representatives
- Points were raised and expanded upon during the Oral Hearing proceedings. Relevant points of interest are referred to in the assessment section of this report (Section 8).
- I note this part of the Oral Hearing is available on the digital recording of the OH proceedings.

## **13. Closing Comments**

A number of the parties made closing statements, which are summarised as follows:

Ms. Yvonne O'Connell, representing Coillte

- No closing comments other than to reiterate that Coillte does not have an objection to the CPO, subject to the inclusion of the conditions set out in the letter dated 24<sup>th</sup> of July 2025 to An Bord Pleanála.



Mr. Paraic Joyce and Mr. Martin Quinn, representing Uisce Éireann

- No closing comments to make

Mr. Harte, on behalf of the applicant LCC

- Emphasises points made with regard to the acquisition in Area 3 which is field belonging to Mary Whyte.
- Outlined Mr. White submission could be summarised as saying that the field has not flooded yet, but the evidence from Mr. Cahalin is that's not to say that it will permanently remain the case. Stated the informal flood defence which is in position, Mr Cahalin would say is inadequate, and that there is the need for the new embankment.
- Stated have heard evidence particularly with regard to the trees, that if a tree currently on the embankment was to blow over in a storm event, this would leave a serious hole in the existing embankment at the very time that you needed the embankment to be in place. Stated because of that and other reasons with regard to the state of the existing embankment, the acquiring authority would say that a new embankment is justified at this location.
- Outlined the CFRAM maps have shown what the extent of flooding would be if the current embankment failed or was removed at that point, and it's quite dramatic. Outlined the location of the new embankment has been set out by Mr. Cahalin in some detail, as to why it is best placed in the location where the Council is acquiring the land under the proposed CPO, and why the alternatives are not attractive as a reasonable execution of the scheme.
- Does not have anything to say with regard to the acquisition from Coillte or from Uisce Eireann.