



An
Coimisiún
Pleanála

Inspector's Report

ACP-322828-25

Development	Uisce Éireann Compulsory Purchase (Kilkee Wastewater Treatment Plant) Order 2025.
Location	Kilkee, County Clare.
Planning Authority	Clare County Council
Applicant(s)	Uisce Éireann
Type of Application	Compulsory Purchase Order
Observer(s)	Brideford Properties Ltd Antoinette Coffey
Date of Site Inspection	17 th October 2025
Inspector	Catherine Dillon

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1.0 Introduction

Overview

- 1.1. This report relates to a Compulsory Purchase Order (CPO) made by Uisce Éireann (UÉ) at Kilkee in County Clare. The CPO relates to the permanent acquisition of land, wayleaves and rights of way, and temporary working areas, on various parcels of lands, to construct a new pumping station and associated infrastructure for the town.
- 1.2. Kilkee is currently served by a combined wastewater network which flows to a main pumping station located at Victoria Park to the south of Kilkee town centre. All the effluent is collected in this pumping station and pumped untreated to an existing outfall location via 2 rising mains which discharge into Intrinsic Bay, c.1.7km west of the town. The untreated outfall discharges into Kilkee Reefs Special Conservation Area (SAC).
- 1.3. UÉ is seeking to rectify this issue by constructing a new pumping station and wastewater treatment plant (WwTP) and undertake associated wastewater network upgrades in order to protect environmental water quality, comply with National and European standards, and manage the availability and efficiency of wastewater services in the town of Kilkee. The new WWTP would enable the final effluent to be treated to the standard required by the Urban Wastewater Treatment Directive (UWWTD). This CPO is associated only with the proposed pumping station (PS) element of the overall WwTP infrastructure proposed for the town.
- 1.4. Two objections were received in respect of the CPO from landowners, namely Brideford Properties Ltd., and Ms. Antoinette Coffey relating solely to that part of the development at Victoria Park in connection with the existing and new pumping station (known as Site A in the overall development). This report considers the issues raised in the objections, as submitted to An Coimisiún and, more generally, the application to acquire lands for the stated purpose.

Statutory Basis

- 1.5. The CPO was signed and has the seal of Uisce Éireann affixed on 29th May 2025. It was advertised in The Clare Champion (newspaper) on 13th June 2025. Formal notices were issued to landowners on 10th June 2025.

1.6. The application was lodged with An Coimisiún Pleanála on 19th June 2025.

1.7. An Coimisiún held an Oral Hearing on 21st October 2025. A summary of the proceedings are set out under Appendix 1.

2.0 **Site location and surrounding area**

2.1. The subject site is located in Kilkee, a seaside town on the western coast of County Clare. The CPO lands known as Site A for the purposes of the overall development are located to the south and west of the town centre at Victoria Park.

Site A-(c.1.05 ha.)

2.2. This site comprises an area of c.1.05 hectares and is subdivided into 16 plots and comprises 2 parcels of lands. It lies to the south of Marine parade and is accessed off Well /Crescent Place via a vehicular access serving a housing development known as Victoria Park, comprising 15 houses on a cul de sac.

2.3. There is a vehicular road which extends to the east and rear of Nos. 1-6 Victoria Park which serves an area of land and is occupied by the existing Victoria pumping station (PS) currently serving the town and its associated buildings. The PS is enclosed on the west, north and south by a high boundary wall.

2.4. The remainder of Site A lies to the south west of the existing PS site. It bounds the western boundary of the existing pumping station lands and includes part of the southern internal roadway serving Victoria Park and connects to a larger area of lands to the west of Victoria Park and to the south of Nos. 7-10 Páirc na mBláthanna.

2.5. It is proposed to locate the new pumping station and associated works in this location which is currently a flat low lying site with some evidence of fly tipping. There is an existing hedge along its eastern boundary onto Victoria Park road. A caravan park bounds the western boundary of this area.

2.6. Kilkee Upper Stream flows to the south of Site A in an easterly direction towards the Kilkee Upper River (also known as Victoria stream), along the east of the road serving the existing pumping station site, before discharging into Kilkee Bay to the north of the town.

Site B- (c.3.51 ha)

- 2.7. For completeness I have described Site B, the larger of the two parcels of lands associated with the overall WwTP development. This site has a stated area of c.3.51 hectares and is located approximately 1km to the west of Site A and is accessed off the Dunlicky Road and comprises 2 parcels of land, to the north and south of this road.
- 2.8. The larger parcel of land has an existing agricultural access on the southern side of Dunlicky road which terminates to the south of a farmhouse. This site is an agricultural field and would accommodate the proposed WwTP and associated works.
- 2.9. The remaining parcel of land associated with Site B is located further west on the north side of Dunlicky Road and accommodates the existing outfall to Intrinsic Bay.

3.0 Description of the scheme

- 3.1. The proposed project is detailed in the documentation accompanying the CPO and is available on the file. In summary the proposed development would comprise 3 elements:
 1. Site A: The diversion of foul flows from the existing Victoria Park Pumping Station (PS). Construction of a new PS with emergency storage to convey sewage flows from Kilkee to a new WwTP via existing rising mains. This new foul pumping station site would be located to the south of Nos. Nos. 7-10 Páirc na mBláthanna and on the western side of Victoria Park.
 2. Site B: Construction of a new Wastewater Treatment Plant (WwTP) including stormwater storage, to the south of Dunlicky Road. (Site B).
 3. Installation of rising main to the existing outfall on the north side of Dunlicky Road (forms part of Site B).
- 3.2. The new WwTP is proposed to designed to treat 7,926 P.E with allowances made for peak loadings during the summer.
- 3.3. A Temporary Traffic Management Plan is to be agreed with Clare County Council prior to the commencement of works.

Site A- Existing and new foul pumping station

- 3.4. Site A encompasses the existing and the new pumping station (PS) sites.
- 3.5. Flows from the existing Kilkee network would be conveyed to the new pumping station via a new 45m long gravity sewer, that would intercept the flows into the existing PS. The site for the new PS would contain an emergency storage tank; surge & washwater kiosks; odour control building; control panel kiosk, standby generator; petrol interceptor; potable water; gantrys for pump and cleaning removal; installation of underground internal pipework; surface water drainage; ESB building and panel room.
- 3.6. A construction compound would be located within the new PS site.
- 3.7. The new PS site to the west of Victoria Road would be enclosed by planted trees and a 2.4m high capped wall with a number of raised planters along the Victoria Road frontage. There would be a gate and splayed vehicular access road off Victoria Park road into this site.

Construction Traffic

- 3.8. Construction vehicles/traffic would gain access to the new pumping station site via the existing road to the north east of Victoria Park, and along the road to the rear of Nos. 1-6 Victoria Park. It is stated this road would be gated and restricted to construction related personnel only. The gate would be kept closed to prevent unauthorised access by residents, children and others for the duration of the proposed works.
- 3.9. Construction traffic would pass through the existing PS site and a temporary construction access is proposed along the Victoria Park road estate which would include the demolition and reinstatement of a boundary wall at the existing Victoria PS site. A construction road crossing would be used between both sites.
- 3.10. A stop & go system would be used throughout the works, to control/ divert traffic flow and keep disruption to a minimum.
- 3.11. A watchman would be in place during the works to override traffic controls where necessary and to allow emergency access/ egress, where the entrance is obstructed.

3.12. Local and emergency access would be maintained throughout the works. All storage material would be contained within the site.

Operational traffic

3.13. The operation of the pumping station is to be fully automated. Power for the proposed pumping station would be provided by an ESB supply. The PS would be provided with handwashing facilities and a storage area within the site with full welfare facilities being provided at the proposed WwTP site.

3.14. Direct access to the proposed foul PS site once completed, would be via the Victoria Park estate road. It is stated the standard operational traffic that would access the new PS would be 2/3 times per week.

3.15. The internal access road of the proposed foul PS site has been designed to enable a rigid lorry to enter and turn within the site boundary for maintenance purposes.

3.16. The proposed works are designed to comply with Uisce Éireann requirements for noise and odour emission limits.

3.17. During construction works, it is stated the contractor shall utilise noise abatement measures and comply with the recommendations of BS 5228:2009+A1:2014 -Noise Control on Construction and Open Sites.

Site B- WwTP site

3.18. Site B relates to the location of the new WwTP and associated works. The CPO and Oral Hearing (OH) did not relate to this site.

4.0 Purpose of the CPO

4.1. The main purpose of the CPO is to acquire lands to implement the PS element of the project. The main objectives of the project are:

- Kilkee has been identified as a coastal agglomeration that is not served by a WwTP.
- Currently untreated wastewater is being discharged to coastal waters.
- The proposed development will provide essential wastewater infrastructure that will end the practice of untreated wastewater being discharged to Intrinsic Bay, in accordance with the Urban Wastewater Treatment Directive.

4.2. The lands the subject of the proposed CPO are shown on the deposit maps UE-10015237 -0001& 0002.

5.0 Application of the CPO

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

- Uisce Éireann Compulsory Purchase Order (Kilkee WWTP) Order 2025 (sealed and dated).
- The relevant CPO drawings / maps (sealed and dated) (Drawing Sheets UE-10015237-CPO-0001 & 0002).
- Sample copy of Notice served in connection with the Compulsory Purchase Order on the affected landowners/lessees/occupiers.
- Copy of the Formal Notice as published in The Clare Champion (newspaper) on 13th June 2025.
- Certificate of service of CPO Notices.

6.0 Planning History

Lands the subject of the CPO (includes Sites A & B)

6.1. **ABP 321258 & P.A Ref: 2460002:** On 11th June 2025, An Coimisiún granted a 10-year permission for the construction of a new foul pumping station and a new waste water treatment plant and all associated works at Subject Sites A & B. The full description of the application as per the statutory notices, was as follows:

‘To apply for a 10-year permission for development at these sites (c.4.56ha combined total) in the townlands of Kilkee Lower and Fohagh, Kilkee, Co. Clare (no Eircode available); comprising two areas of land principally bound:

Subject Site (A) to the north by residential dwellings at Victoria Park and Páirc na mBláthanna, to the south by agricultural land and residential dwellings at Victoria Park, to the east by Victoria Stream and residential dwellings at Victoria Park, and to the west by Haugh Mobile Park and residential dwellings at Páirc na mBláthanna (c.1.05a);

Subject Site (B) to the north by agricultural land and the Dunlicky Road beyond, to the east by an un-named access road and agricultural land, to the south by agricultural land and a residential dwelling beyond, and to the west by agricultural land – this site also includes a section of the Dunlicky Road that is within the Fohagh Townland (c.3.51ha).

The development will consist of:

[1] The construction of a new Foul Pumping Station (PS) at Subject Site (A) comprising of: an emergency storage tank; surge kiosk; washwater kiosk; odour control building; control panel kiosk; standby generator; foul pumping station; petrol interceptor; potable water / break tank kiosk; gantry's for pump and cleaning system removal; installation of underground internal site pipework including surface water drainage and petrol interceptor; ESB building and Panel Room (c.36.2sq.m. GFA); 2.4m high wire mesh security boundary fence; replacement of existing chainlink fence; safety bollards; new signage; an access gate; temporary construction access including the demolition and reinstatement of a boundary wall at the existing Victoria PS site; temporary works area; permanent access off Victoria Park; and all hard and soft landscaping including screen planting.

[2] The construction of a new Wastewater Treatment Plant (WwTP) at Subject Site (B) comprising of: 2 no. primary settlement tanks; MCC kiosk; outfall pumping station; picket fence thickener; return liquors pumping station; sludge / scum pumping station; odour control plinth; inlet works and grit chamber; potable water break tank booster set kiosk; storm holding tank; storm return pumping station; excess FFT chamber; FFT flow measurement chamber; PST flow splitting chamber; gantrys for pump and cleaning system removal; a control building (c.102.5sq.m. GFA); ESB building (c.36.2sq.m. GFA); standby generator and fuel tank; solar panels (c.250sq.m. area / c.3.5m high); installation of a CCTV system and task lighting; 2.4m high security mesh boundary fencing; 1.2m high stock proof perimeter fence; access gate; upgrading of the existing access lane and entrance from the Dunlicky Road (including the increasing of levels in the adjacent fields to match the existing lane levels to facilitate widening of lane from c.3m to c.4m wide); 3 no. site parking spaces; new signage; temporary works area; and all hard and soft landscaping including extensive earthworks to provided appropriate earthworks screening and screen planting.

[3] The installation of new sewers comprising of: c.45m of new gravity sewer that will intercept the flows into the existing Victoria PS and transfer these flows to the new Kilkee Foul PS; c.85m storm overflow pipe to Victoria Stream from Kilkee Foul PS; connecting pipework from existing network to new Foul PS, connecting pipework to existing rising mains and all associated interconnecting pipework; providing overflow to Victoria Stream and associated new headwall, and new treated effluent rising mains; and c.1,050m of new rising main for the final effluent from the Kilkee WwTP to the existing Outfall manhole within the Fohagh Townland.

[4] All other associated site excavation, infrastructural and development works above and below ground.

- 6.2. A Natura Impact Statement (NIS) was prepared and formed part of the planning application. It examined whether, in view of best scientific knowledge and applying the precautionary principle, the proposed development either individually, or in combination with other plans or projects, may have an adverse effect on the integrity of any Natura 2000 Site (also known as European Sites).
- 6.3. An Coimisiún considered the NIS and all the other relevant submissions on file including the amendments received by further information, and carried out an Appropriate Assessment of the implications of the development on the Kilkee Reefs Special Area of Conservation and the Site's Conservation Objectives and concluded that it was satisfied that the proposed development would not affect the integrity of European Site in view of the site's Conservation Objectives and that there was no reasonable scientific doubt as to the absence of such effects.
- 6.4. Conditions of note attached to this permission included:
- Condition 1: Works to be carried out in accordance with plans and particulars.
- Condition 2: Development to be carried out within 10 years from the date of the order.
- Condition 4: Site development & building works to be carried out between 0700-1900 hours Monday to Fridays & 0800-1400 hours on Saturdays and any deviation from these times to be agreed by P.A..

Condition 5: Construction to be managed in accordance with finalised Construction Management Plan, including noise management measures and off site disposal of waste.

Condition 6: Site A to be landscaped in accordance with submitted details.

An additional condition 7 relating to a financial contribution was added by ACP following their original order on 22/7/2025.

6.4.1. This permission is currently the subject of Judicial Review proceedings.

Subject Site A- existing pumping station site

6.5. **P.A Ref: P17-745:** Planning permission granted on 5/1/2018 by Clare County Council to carry out works within the existing Kilkee Pumping Station site at Victoria Park, Kilkee, including a substation, standby generator building, welfare building and associated site works, subject to 2 conditions.

Victoria Park

6.6. **P.A Ref: 98/611:** Planning permission granted on 19/6/1998 by Clare County Council to construct 15 no. holiday homes along with ancillary road and services subsequent to outline planning permission Ref: P97/1281, subject to 23 conditions.

7.0 Policy Context

7.1. Clare County Development Plan (CDP)2023-2029

7.1.1. Kilkee is identified as a 'Small Town' within the Clare County Development Plan (CDP) settlement hierarchy. Small Towns within the CDP are considered of fundamental importance as employment and tourist centres and as centres for the provision of services and facilities for their resident populations and their rural hinterlands.

7.1.2. The strategy for small towns within the Plan is to ensure that their existing roles are maintained and further strengthened through measures such as the adequate zoning of lands for development, supporting the concept of settlement networks, seeking investment to regenerate and rejuvenate these settlements, supporting and working with the relevant bodies towards the development of the required ancillary

infrastructure, and the adoption of a facilitatory approach towards appropriately-scaled and designed urban development.

- 7.1.3. The population target for Kilkee town within Table 3.4 of the Core Strategy for 2029 is 1,631 persons, a projected population increase of 102 no. persons (6.7%) during the CDP period. According to Table 3.4 – Core Strategy Table, the housing target for Kilkee between 2023-2029 is for 64 no. housing units.
- 7.1.4. Under the CFRAM Study Kilkee is one of several towns identified as Areas for Further Assessment within the County.

Chapter 9 Tourism

- 7.1.5. CDP9.25 It is an Objective of Clare County Council: a) To work with all relevant stakeholders to further develop and enhance the opportunity for tourism products in particular coastal and cliff walks in the Kilkee and Loop Head areas, cycling and niche tourism; b) To promote and market the area, building on the cultural amenities and entertainment facilities of Kilrush, Kilkee, and Doonbeg;

Chapter 11- Physical Infrastructure, Environment and Energy

- 7.1.6. Objective 11.29: It is an objective of Clare County Council: a) To work closely with Uisce Éireann to identify and facilitate the timely delivery of the water services required to realise the development objectives of this plan; b) To facilitate the provision of integrated and sustainable water services through effective consultation with Uisce Éireann on the layout and design of water services in relation to the selection and planning of development areas and the preparation of masterplans; c) To ensure that adequate water services will be available to service development prior to the granting of planning permission and to require developers to consult Uisce Éireann regarding available capacity prior to applying for planning permission; and, d) To ensure that development proposals comply with Uisce Éireann's standards and requirements in relation to water and wastewater infrastructure to facilitate the proposed development
- 7.1.7. Objective 11.32: It is an objective of Clare County Council: a) To support the implementation of Uisce Éireann Investment Plans and to advocate the provision, by Uisce Éireann, of adequate wastewater treatment facilities to accommodate the target population and employment potential of the county in accordance with the

statutory obligations set out in the EU and national policy and in line with the Core Strategy and Settlement Hierarchy set out in this plan; b) To support the role of Uisce Éireann Investment Plans in taking into account seasonal pressures on critical wastewater treatment service infrastructure and climate change implications in the design of all relevant projects; c) To advocate for the on-going provision, maintenance and upgrade of wastewater treatment infrastructure in the county; d) To maximise the use of the existing capacity of wastewater treatment services in the planning of new development; e) To protect existing way leaves and protection areas around public wastewater treatment services infrastructure through appropriate zoning and to facilitate the provision of appropriate sites for required wastewater treatment services infrastructure; f) To support Uisce Éireann in the promotion of effective management of trade discharges to sewers in order to maximise the capacity of the existing sewer networks and minimise detrimental impacts on sewage treatment works.

West Clare Municipal District Settlement Plans – Volume 3d of CDP

- 7.1.8. Kilkee lies within the West Clare Municipal District. This section of the Development Plan states that Kilkee town is a popular, well-established Victorian seaside resort situated on the Moore Bay on the Wild Atlantic Way. It further notes the town experiences a large influx of tourists during the summer season, when the population of the town increases from around 1,000 to 15,000, making Kilkee one of the country's largest seaside holiday resorts.
- 7.1.9. The seasonal change in population places a considerable strain on the town's infrastructure and, as with most seaside resorts, the town experiences extremes of seasonality. It is therefore important to ensure that future development is balanced and contributes to a thriving community which can support a range of services which are viable on a year-round basis.
- 7.1.10. There is currently limited wastewater treatment in Kilkee, however, a new treatment plant, pumping station and rising main are planned for the town. The wastewater treatment plant is due to be completed within the lifetime of the Plan. All future development in Kilkee will be contingent upon the provision of adequate wastewater treatment.

7.1.11. Kilkee adjoins the Kilkee Reefs Special Area of Conservation (SAC) and future development must ensure there are no adverse effects on the conservation objectives of the SAC or on the site integrity, or any European site as a result of proposed development.

7.1.12. General objectives for Kilkee relevant to this CPO include the following:

- To make provision for the development and maintenance of physical service infrastructure that will effectively accommodate the resident population, meet the increase in demand during the summer months and allow for future growth.
- To support the development of a Flood Protection Plan for the town.
- To support the development of a Cliff Walk from Quilty/Spanish Point to Doonbeg and Kilkee, which could become part of the wider Fáilte Ireland cliff walk initiative, including the Kilkee looped walk between Byrnes Head and Georges Head.
- To support the development of a long-distance coastal pathway along the West Clare coastline including the Loop Head peninsula and Kilkee.

Zoning

7.1.13. The existing pumping station site is zoned UT2 'Utilities'. It is intended that land zoned 'utilities' will be reserved for the existing and future provision of key infrastructural services and the upgrading of existing services and infrastructure relating to road, rail, air, electricity, telecommunications, gas, water and wastewater treatment services. Utilities as a use is not listed in the CDP Indicative Land Use Zoning Matrix.

7.1.14. The land for the proposed pumping station site is zoned TOU3 'Tourism'. Land zoned for tourism development shall be used for a range of structures and activities which are primarily designed to facilitate tourism development and where uses are mainly directed at servicing tourists/holiday makers and visiting members of the public.

7.1.15. TOU 3 has a specific zoning objective within the Kilkee settlement Plan as follows:
TOU3: Infill Site South of the Well Road: The land is zoned to allow for the expansion of tourist accommodation. It is situated between a caravan park and an

existing area of holiday homes and has the capacity for in depth development close to the town centre. Any development must reserve a 10-metre margin from the Victoria Stream that runs along the southern boundary of the site.

- 7.1.16. The road to the rear of Nos.1-6 Victoria Park is zoned as 'existing residential'. The zoning matrix indicates that community facilities are normally acceptable in principle on such lands in accordance with the proper planning and development of the area.

7.2. National Planning Framework – First Revision April 2025

- 7.2.1. NPO 26: Continue to support the proportionate growth of and appropriately designed development in rural towns that will contribute to their regeneration and renewal, including interventions in the public realm, the provision of amenities, the acquisition of sites and the provision of services.
- 7.2.2. NPO 27: Continue to support programmes for 'new homes in small towns and villages' with local authorities, public infrastructure agencies such as Uisce Éireann and local communities to provide serviced sites with appropriate infrastructure to attract people to build their own homes and live in small towns and villages.
- 7.2.3. NPO 42: To target the delivery of housing to accommodate approximately 50,000 additional homes per annum to 2040.
- 7.2.4. NPO 66: The planning system will be responsive to our national environmental challenges and ensure that development occurs within environmental limits, having regard to the medium and longer-term requirements of all relevant environmental and climate legislation and the sustainable management of our natural capital.
- 7.2.5. NPO 81: Support the implementation by Uisce Éireann, Local Authorities and other parties with drainage responsibilities of Integrated Wastewater and Drainage Management Plans on a prioritised risk basis in accordance with the requirements of the RBMP and EU Water Directives.
- 7.2.6. NPO 87: Enhance the conservation status and improve the management of protected areas and protected species by: Implementing relevant EU Directives to protect Ireland's environment and wildlife and support the objectives of the National Biodiversity Action Plan; Developing and utilising licensing and consent systems to

facilitate sustainable activities within Natura 2000 sites; Continued research, survey programmes and monitoring of habitats and species.

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

7.3. Regional Spatial & Economic Strategy for the Southern Region 2020-2031

- 7.3.1. RPO 112: It is an objective to support commitments to achieve and maintain “At Least Good” status, except where more stringent obligations are required, and no deterioration of status for all water bodies under the Marine Strategy Framework Directive and its programme of measures, the Water Framework Directive and the River Basin Management Plan. Key challenges include, inter alia, the need to address significant deficits in urban waste-water treatment and water supply, addressing flooding and increased flood risks from extreme weather events and increased intense rainfall because of climate change.
- 7.3.2. RPO 212: a. It is an objective to support investment and the sustainable development of strategic wastewater treatment facilities by Irish Water in the Region arising from initiatives including Investment Plans, Strategic Drainage Area Plans subject to appropriate environmental assessment and the planning process.
- b. For the management of wastewater, increasing population growth should be planned on a phased basis in collaboration with Irish Water and the local authorities to ensure that the assimilative capacity of the receiving environment is not exceeded and that increased wastewater discharges from population growth does not contribute to degradation of water quality and to avoid adverse impacts on the integrity of the Natura 2000 network.
- 7.3.3. RPO 214: It is an objective to support Irish Water and the relevant local authorities in the Region to eliminate untreated discharges from settlements in the short-term, while planning strategically for the long-term in tandem with Project Ireland 2040 and the RSES and in increasing compliance with the requirements of the EU Urban Waste Water Treatment Directive.

7.3.4. RPO 215 Development Plans shall support strategic wastewater treatment infrastructure investment and facilitate the separation of foul and surface water networks to accommodate the future growth of the Region.

7.4. **Other National Policy and Guidelines**

- Water Services Strategic Plan (WSSP) 2050- is a framework developed by Uisce Éireann to guide the delivery of water and wastewater services in Ireland over the next 25 years.
- Water Services Policy Statement 2024-2030- this plan seeks to inform the development and provision of water services to include compliance with EU legislation and the UN Sustainable Goals on clean water and sanitation.
- Irish Water's Strategic Funding Plan 2019-2024 -This Plan states UÉ tends to invest in wastewater treatment and networks on a prioritised basis to gain maximum benefit from available funding and taking account of commitments made in the RBMP 2018 – 2021 to increase compliance with UWWTD and Wastewater Discharge Authorisation (WWDA).

7.5. The Planning System and Flood Risk Management, including the associated Technical Appendices, 2009 .

8.0 **The Objection**

8.1. An Coimisiún received two objections in relation to the CPO, one from Brideford Properties Ltd on behalf of the residents and Ms. Antoinette Coffey the owner of No. 3 Victoria Park.

8.2. Both objections relate to Site A and Plots 004 -014 only.

8.3. The submission from Brideford Properties Ltd raises the following objections/concerns:

- Health and safety of children playing in Victoria Park from service vehicles & equipment driving through the estate.

- Residents request that service vehicles and equipment should be routed through the site the same way as construction vehicles via Plot 014 (to rear of Nos. 1-6 Victoria Park), and plots 004 & 005.
- UÉ has failed to complete a successful agreement for the purchase and use of lands owned by Brideford Properties Ltd.
- Concerns that work would be carried out without consultation with residents, reference is made to P.A Ref: 17754, where an attempt was made to knock down a boundary wall at Victoria Park PS to facilitate an entrance to a new ESB transformer.
- Noise from new second pumping station as existing one is high, particularly at nighttime.
- Request a 2.4m perimeter wall around the new pumping station extended to meet No.15 Victoria Park to screen development.
- Road to be resurfaced leading to the existing pumping station following construction works.

8.4. The submission received from Ms. Coffey, the owner of No. 3 Victoria Park, objects to the acquisition of the lands on the following grounds:

- Unused road to the rear of her property is not suitable to be used by construction traffic as currently in state of disrepair.
- Currently this road/laneway provides security to her dwelling and a buffer from noise and anti-social behaviour.
- Concerned about damage to her boundary wall and house from construction traffic using the laneway.
- Noise disturbance impacting on her amenity.
- Proposal makes no reference to Health and Safety aspect to the estate.

9.0 Oral Hearing (OH)

Background

- 9.1. An Oral Hearing was held on Tuesday, 21st October 2025. Oral submissions were heard by all parties, during the course of the Hearing.
- 9.2. 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 an Coimisiún in relation to the CPO Order.
- 9.3. Attendees were also advised that the assessment of the CPO is confined to a particular set of considerations relating purely to the proposed acquisition of lands to accommodate the project. 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 an Coimisiún has no role or jurisdiction in the determination of compensation.
- 9.4. The proceedings of the OH are outlined in Appendix 1 of my report and referenced, where necessary, in the assessment section below (Section 10). The proceedings were recorded and are available to an Coimisiún on an audio file.

Modifications

- 9.5. No modifications were proposed to the CPO during the Oral Hearing.
- 9.6. UÉ during the course of the OH confirmed the following:
 - Construction works would not be carried out during the months of June-August.
 - UÉ are agreeable to a pre-construction survey prior to works.
 - UÉ will employ the services of a structural engineer to assess what surveys are needed to be undertaken and would be guided by their recommendation in terms of any vibration monitoring during the course of construction.
 - The surface of the laneway to the rear of Nos.1-6 Victoria Park would be reinstated on completion of construction work.

- UÉ agreed to carry out pre construction non-invasive works such as ground penetrating radar works, to locate the exact location of the pipe to the rear of Nos.1-6 Victoria Park with the agreement of the landowner.

10.0 **Assessment**

10.1. **Overview**

- 10.1.1. Kilkee is currently served by a combined wastewater network, which conveys untreated flows to Victoria Pumping Station. The untreated flows are then pumped to the existing outfall location at Intrinsic Bay, west of Kilkee, via two rising mains. The existing outfall discharges into the sea within the Kilkee Reefs SAC.
- 10.1.2. The proposed CPO relates to the construction of a new pumping station on a road to the east of Nos.1-6 Victoria Park and associated works at lands to the west of the Victoria Park estate road, to pump all combined flows currently entering the existing PS to the proposed WwTP along Dunlicky Road. The area required for the new PS is stated as 0.1014 ha..
- 10.1.3. The CPO seeks to acquire certain privately owned lands for the purpose of securing the area required for the construction and operation of the proposed pumping station site. The CPO refers to 11 plots of land which includes the Victoria Park estate road and the road serving the existing PS site.
- 10.1.4. Uisce Éireann's (UÉ) Compulsory Purchase Drawings and Schedule of CPO indicate the various owners of the plots. The land parcel Plots 004-014, are the subject of this CPO and are in the ownership of Brideford Properties Ltd..
- 10.1.5. The purpose of the permanent acquisition, right of way, wayleave and temporary working areas is for UÉ to construct and install the new PS and associated works and to access the new PS site to maintain the infrastructure controlled by UÉ. The remaining landowners have not raised any objection relating to the acquisition of lands for the proposed PS site.

Table 1: Plots of land subject of this CPO in Brideford Properties Ltd's ownership

Acquisition Type	Plot No. & area(ha)	Description of area
Permanent acquisition	Plot 004 (0.0048 ha)	Grass verge along western side of Victoria Park road estate to serve the new PS site.
Permanent right of way & temporary working area	Plot 005 Area: 0.0108 ha	Roadway along Victoria Park estate road.
Permanent wayleave	Plot 006 Area: 0.0069 ha	Roadway & grass verge along Victoria Park estate road.
Permanent Wayleave & Permanent Right of Way	Plot 007 Area: 0.014 ha	Roadway along Victoria Park estate road
Permanent Wayleave	Plot 008 Area: 0.0051 ha	Footpath along Victoria Park estate road
Temporary working area	Plot 009 Area: 0.0129 ha	Grass verge along Victoria Park estate road
Permanent right of way & temporary working area	Plot 010 Area: 0.0074 ha	Roadway along Victoria Park estate road.
Temporary working area	Plot 011 Area: 0.0015	Footpath along Victoria Park estate road.
Permanent Right of Way	Plot 012 Area: 0.0467 ha	Roadway on entrance into Victoria Park estate.
Permanent Wayleave	Plot 013 Area: 0.0202 ha	Grass verge to rear of Nos.1-6 Victoria Park leading to existing PS.
Permanent Wayleave & Permanent Right of Way	Plot 014 Area: 0.0550	Roadway to rear of Nos.1-6 Victoria Park leading to existing PS.
Total area	0.1853 ha	

10.1.6. My assessment of the proposed CPO considers the issues raised in the written objections submitted to an Coimisiún, the points made at the Oral Hearing (OH), and the general principles to be applied in assessing CPOs of this nature. Accordingly, for an Coimisiún 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**.

10.2. Community Need

10.2.1. The Applicant (Uisce Éireann) has set out as part of their submission that there is currently no WwTP in Kilkee and that the untreated wastewater is being discharged to Intrinsic Bay and Kilkee Reefs Special Area of Conservation. They state that this poses a threat to the water quality and amenity value of the coastal water at Kilkee and for the social and economic growth of Kilkee town. It is a key objective of UÉ's Business Plan to invest in wastewater quality and capacity and the current wastewater deficiencies in Kilkee is a high priority.

10.2.2. The Population Equivalent (PE) for Kilkee wastewater agglomeration has been calculated based on the Urban Wastewater Treatment Directive (UWWTD) for 7,926 PE, which includes an allowance for seasonal variations, future growth and development within the agglomeration for a 30-year design horizon. A new foul pumping station is required to pump all combined flows currently entering the existing Victoria pumping station and using the existing rising mains to the proposed WwTP site. The current connection point at the existing Victoria Pumping Station is

located at the lowest point of the sewer network, which avoids the need for further intermediate pump stations in the town. As a result, the new foul pumping station is best located within the vicinity of the lowest point of the sewer network. The existing PS and its infrastructure would remain and if required could be used during the summer months by Clare County Council to continue using it to pump the Kilkee/Victoria stream during the bathing season.

- 10.2.3. The Kilkee agglomeration is below the 10,000 P.E. threshold for discharges to coastal waters, at which the Emission Limit Values (ELVs) specified in the Urban Wastewater Treatment Regulations apply.
- 10.2.4. For agglomerations under this threshold, 'appropriate treatment' was required by 31st December 2005, as specified in Article 7 of the Directive 91/271/EC3. The term 'appropriate treatment' is defined in the Urban Waste Water Directive as "treatment of urban waste water by any process and/or disposal system which after discharge allows the receiving waters to meet the relevant quality objectives and the relevant provisions of the Directive and of other Community Directives". The existing situation in Kilkee is not in compliance with this Directive.
- 10.2.5. A system for the licensing or certification of wastewater discharges from areas served by local authority sewer networks was brought into effect on 27 September 2007 with the introduction of the Waste Water Discharge (Authorisation) Regulations, 2007 (S.I No. 684 of 2007). This licensing and certification process gives effect to a number of EU Directives by the imposition of restrictions or prohibitions on the discharge of dangerous substances and the implementation of measures required under the Water Framework Directive (WFD) and thus preventing or reducing the pollution of waters by wastewater discharges. All discharges to the aquatic environment from sewerage systems owned, managed and operated by water service authorities require a wastewater discharge licence or certificate of authorisation from the EPA.
- 10.2.6. The authorisation process provides for the EPA to place conditions on the operation of such discharges to ensure that potential effects on the receiving water bodies are limited and controlled with the aim of achieving good surface water status and good groundwater status no later than December 2015. Specified Improvement

Programmes require upgrades of wastewater works to provide primary treatment by 1st November 2022.

- 10.2.7. The existing Victoria Park PS currently provides no screening prior to pumping flows via two rising mains to the existing outfall at Intrinsic Bay. There is currently a vertical screen for the incoming network flows from the town to the pumping station but there are no other forms of treatment before the flows are pumped to the outfall. The 2 rising mains were installed in 2022 to run parallel to the old rising mains and were constructed as emergency works by UÉ because the old rising main infrastructure was subject to frequent bursts and was no longer fit for purpose.
- 10.2.8. UÉ state that the practice of untreated wastewater to the sea is no longer acceptable according to the WFD and the UWWTD and Regulations, which requires 'appropriate treatment' for an agglomeration such as Kilkee.
- 10.2.9. The proposed development would divert the foul flows from the existing PS at Victoria Park, to a new foul PS to the west of the existing pumping station. The new PS would then pump the sewage and storm water from the town via the installed rising mains constructed in 2022, to the proposed waste water treatment plant (Site B) where the sewage would be treated before being discharged into Intrinsic Bay.

Conclusion

- 10.2.10. The proposed pumping station would enable the wastewater to be pumped to the proposed WwTP which would ultimately treat the final effluent from the Kilkee agglomeration into Intrinsic Bay. It would end the practice of untreated wastewater being discharged into coastal waters and provide essential infrastructure for the town to enable it to grow and promote the tourism industry of the town. The new infrastructure would meet the standard required by the UWWTD, the WFD and Wastewater Discharge Regulations. I therefore conclude that the need for the CPO can be justified by the requirements of the common good and the community need for the scheme has been established.

10.3. **Suitability of the lands**

- 10.3.1. UÉ are seeking the acquisition of 11 plots of land (Plots 004-014), a total area of 0.1853 hectares for the proposed construction works, access into the proposed PS site on completion of the works and over existing infrastructure.

Plot 004

- 10.3.2. UÉ are seeking the permanent acquisition over one plot of land, namely Plot 004 (0.0048 ha) in the ownership of Brideford Properties Ltd., which comprises a grass verge area on the western side of the Victoria Park estate road. This area is next to the proposed PS site and would provide, on completion of the development, the vehicular crossing for service vehicles into the site.
- 10.3.3. At the Oral Hearing (OH) UÉ stated that service vehicles would visit the site between 2-3 times a week for maintenance and security purposes, and that staff facilities would be confined to the proposed WwTP facility. There may be an instance when they would need to remove/replace a pump which would require a rigid truck, but given the PS would be new this would not be a common occurrence.
- 10.3.4. Victoria Park is a small residential cul de sac development comprising 15 houses. On the day of my site inspection, I didn't observe any cars along the western stretch of road within the estate. I do not consider the use of this road 2/3 times a week by a small service vehicle would result in demonstrable harm to the amenities of the residents or the condition of the road.
- 10.3.5. The remainder of the acquisitions relate to temporary working areas during the construction of the development, and permanent wayleaves or rights of way over the various plots on completion of the development. From the discussions held at the OH the objectors are primarily concerned about the permanent rights of way over Victoria Park estate road (Plot 012) on completion of the development, and the roadway and grass verge to the rear of Nos.1-6 Victoria Park (Plots 013 & 014).

Plots 005-011

- 10.3.6. Plots 005, 009, 010 and 011 relate to those areas in Victoria Park estate road which would be used to accommodate the crossing for construction traffic between the existing PS site and the proposed PS and would also include underground sewage pipes. UÉ are seeking a CPO for these plots on a temporary basis during the construction works. Brideford Properties had no objection to these areas and stated at the OH that they had negotiated with UÉ that this was the most suitable construction traffic route for the development as it would prevent construction vehicles using the main road through the estate. UE also confirmed at the OH that

there would be no construction works carried out during the summer months of June - August when the estate would be predominantly occupied.

10.3.7. A permanent right of way and/or wayleaves at Plots 005, 006, 007, 008, and 010 are also sought along the Victoria Park estate road primarily to facilitate existing or proposed pipe work from the existing PS to the new site. As these works would be underground Brideford properties did not raise any concerns about these plots.

Plot 012

10.3.8. The main concern by the objectors was the use of the main estate road (Plot 012) for the use of UÉ service vehicles to the new PS site. Plot 012 relates to the entrance at the northern most part of the estate road, and to the north of No.1 Victoria Park. Brideford Properties considered the service vehicles could use the same route as the construction traffic, via the existing PS site in the interest of the safety of the children in the estate.

10.3.9. UÉ outlined in the OH that the construction traffic route was a temporary measure and the crossing across Victoria Park estate road for construction vehicles would be manned whilst the works were being carried out, and it would not be a feasible option on a permanent basis. Furthermore, at the OH it was stated that in order to facilitate suitable visibility for this route for service vehicles would involve the demolition of the existing PS wall and encroaching onto the open space area to the south and an area to the north to achieve satisfactory sightlines. This would result in more land take than currently proposed and was not considered proportional.

10.3.10. UÉ stated that auto tack testing had been carried out at the Pairc Na mBláthanna development to the north of the proposed PS site for its suitability as a vehicular route and access into the proposed PS site. However, a construction and service access route was discounted on a number of engineering grounds including the inability of construction vehicles to manoeuvre the 90 degree bend within this estate, and the lack of adequate turning area for construction traffic. The use of the Victoria Park estate road was therefore considered more appropriate for service vehicles.

10.3.11. I would agree with UÉ that an access for both construction vehicles and service vehicles via Pairc na mBlathanna would be unsuitable by reasons of the sharp bend within this estate road and poor visibility.

Plots 013 & 014 entrance road into estate and grass verge to the rear of Nos. 1-6
Victoria Park

- 10.3.12. Plot 014 relates to the road entrance into Victoria Park estate which is accessed off Crescent Place/Well Road to its north. UÉ are seeking a permanent wayleave and right of way over this plot to serve both construction traffic and service vehicles once the development is completed. There is an area to the north of this plot which extends from the junction with Crescent Place /Wells Road which is not included within the CPO lands. The Objectors at the OH were seeking UÉ to include these lands within the CPO as they were concerned that this stretch of road would not be repaired/maintained. I note the road serving this estate is not taken in charge by Clare County Council, (Road Design Planning report dated 3/1/2024 for P.A Ref: 24-60002).
- 10.3.13. UÉ at the OH outlined that the area to the north of Plot 014 was unregistered and they were not therefore in a position to seek to CPO this stretch of road. Furthermore, Mr. Dodds on behalf of the Applicants, stated UÉ as an acquiring authority had statutory responsibility under the Water Services Act and it would not be a statutory obligation to acquire part of a roadway where UÉ have no assets that require a permanent acquisition. This area is unregistered and as stated does not contain any UÉ assets and I consider it would be unnecessary and unreasonable for UÉ to acquire and upkeep this stretch of road to facilitate the proposed PS, given its role as a water services provider.
- 10.3.14. Plot 014 continues along the road serving the existing PS to the rear of Nos.1-6 Victoria Park. This section of road is a single width carriageway with a grass verge along its western side abutting the rear boundary wall of Nos. 1-6 Victoria Park to the west, and Kilkee/Victoria stream on its eastern side. From my site inspection I noted this road was in a poor state of repair with a number of potholes and grass patches along the centre of the road. This road would be used during the construction period only by UÉ, and once completed it was confirmed at the OH by UÉ the surface of the road would be restored to its original condition.
- 10.3.15. Plot 013 refers to the grass verge to the rear of Nos 1-6 Victoria Park. Ms. Coffey stated at the OH that the owners of these houses had the confirmed agreement from Brideford Properties Ltd., to transfer the grass verge area into their own landholding.

UÉ are seeking a permanent wayleave over this grass verge and permanent right of way and wayleave over the road for maintenance purposes relating to an existing 525mm diameter pipe that extends along the grass verge leading from the town to the existing PS.

- 10.3.16. Whilst the exact location of this pipe was not conclusive during the OH discussions, there was evidence that the pipe work had been relocated along the grass verge in the original planning application for the Victoria Park development. UÉ stated that they were not planning to construct any additional assets within the grass verge area and that the proposed CPO on this plot is to regularise a wayleave for an existing pipeline that currently serves the existing PS. They further stated, it was necessary for UÉ to have a wayleave either side of the existing pipe in order to maintain or repair this pipe in the future associated with the proposed PS.
- 10.3.17. UÉ agreed at the OH that they would carry out some non-invasive works such as ground penetrating radar works, to locate the exact location of the pipe, subject to the agreement of Brideford Properties.
- 10.3.18. Notwithstanding Brideford Properties agreement to provide this grassed area to the owners of Nos.1-6 Victoria Park, there is an existing pipeline along or close to this grass verge area which is a vital component to the existing and proposed pumping station for Kilkee town.
- 10.3.19. During the OH the objectors raised the impact of subsidence to their properties during construction works. Ms. White from UÉ at the OH confirmed site investigations had already been carried out and a construction methodology considered on that basis. Construction works would be monitored to ensure subsidence would not occur but in the event that it would occur it would be rectified by UÉ.
- 10.3.20. I note Mr. Mullins suggestion that UÉ permanently acquire both this road and the grass verge, but I consider once the new PS is completed UÉ would seldom use this road, except in the event of needing to repair or maintain the pipe. I therefore consider it would be unreasonable for UÉ to permanently acquire this road or grass verge. I further note UÉ confirmed that this road would be restored to its original condition and better once construction works were completed.

Conclusion

10.3.21. I am therefore satisfied that the CPO lands are suitable for their intended use to facilitate the proposed PS development. I am also satisfied that the extent of land take is justified in principle because it has been kept to the minimum to facilitate the proposed works and minimise the impacts on the residents in Victoria Park. I conclude that the lands comprised in the CPO are suitable to meet the identified community need.

10.4. Compliance with Planning Policy

- 10.4.1. I refer an Coimisiún to Section 7 above of this report, which outlines the various national and regional policies which support the increased efficiency in wastewater infrastructure in line with statutory environmental legislation, and to align with planned growth.
- 10.4.2. Objectives 11.29 and 11.32 of the Clare CDP supports the implementation of Uisce Éireann's investment plans and advocates for the provision of adequate wastewater treatment facilities to accommodate the population and employment targets set out in national and local policy.
- 10.4.3. There is an objective within Volume 3d West Clare Municipal District of the CDP to make provision for the development and maintenance of the physical service infrastructure in Kilkee that will effectively accommodate the resident population and meet the increase in demand during the summer months and allow for future growth. It is further noted within this section of the Plan that there is currently limited wastewater treatment in Kilkee, but that a new wastewater treatment plant, pumping station and rising main are planned for the town within the lifetime of the Plan. As such the CPO lands would accord with this objective.
- 10.4.4. The proposed PS site is zoned for tourism and has a specific zoning objective 'TOU 3' within the Kilkee Settlement zoning map to allow for the expansion of tourism within the town. I note the CPO lands do not encroach into this area and are therefore not zoned. Nevertheless, such lands within the CDP can be used for a range of structures and activities which are primarily designed to facilitate tourism development and where uses are mainly directed at servicing tourists/holiday

makers and visiting members of the public. I consider the proposed PS site would facilitate tourism in the area by improving the wastewater infrastructure for the town.

- 10.4.5. CPO Plots 013 and 014 are zoned as existing residential within the Kilkee zoning map. Whilst these areas would be used as a construction access, I consider this use is temporary in nature and would not materially contravene this zoning.

Conclusion

- 10.4.6. 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.

10.5. Consideration of Alternatives

- 10.5.1. UÉ submitted with their CPO evidence 'A Site Selection Report' for both the proposed WwTP and Pumping Station (PS) and route alignment, which involves a 5 stage process including; project scoping, defining the study area, initial screening, shortlisting and detailed assessment. It is not intended to carry out a detailed analysis regarding the proposed WwTP and route alignment in this report. I note however, that the main issues with regards to the location of the WwTP and its route alignment related to the proximity of the pumping station location and extent of new pipeline infrastructure required as the distance increased from the PS site.
- 10.5.2. A total of 5 options were considered for the proposed PS including the existing Victoria PS location. These have been outlined as follows:

Option 1- Existing pumping station site:

- 10.5.3. The existing Victoria PS is bound to the north by houses in Victoria Park, a green area to the south associated with the Victoria Park development and to the east by houses separated by the Kilkee/Victoria stream to the east. This site contains a pumping station, an electrical substation, a standby generator, and a welfare building. It is enclosed by a high brick wall on three sides and a palisade fence on the east and has an overall area of 0.24 hectares. I note from the planning history on the site, the existing pumping station site was established prior to the Victoria Park development.

10.5.4. The initial design study for the project considered building a new foul pumping station and a 951m³ storage tank within the existing Victoria PS site. The proposed storage tank which was stated at the OH as being 14m diameter by 6.5m in depth would have required major groundworks to avoid existing structures and undermine existing services. This issue along with the risk of affecting adjoining properties made this option unfeasible.

10.5.5. UÉ also considered an alternative design so that all flows would be pumped to the proposed WWTP and the storm storage located at the proposed WWTP, negating the requirement for a large storage tank at Victoria PS. However, this option was discounted as it was a deviation from standard UÉ design due to the segregation of the emergency storage in the event of a pump failure. The existing PS site was therefore discounted on these grounds.

10.5.6. Four alternative site locations were investigated in the vicinity of the Victoria PS to facilitate the diversion of flows from the existing sewerage network to the proposed WWTP site. All of the sites were in close proximity to the existing pumping station site, having regard to it being located at the lowest point of the sewer network and included the following:

Option 2 Site 1:

10.5.7. This site is a green area of land close to the town centre, to the west of the R487/Church Road and bound to the south by the Victoria Crescent estate and to the north by residential properties. It would be located north east of the existing pumping station and east of the Kilkee/Victoria stream. According to the latest CFRAMs maps (accessed 17/1/2026) this site is located within the 1% AEP fluvial flood extent. It is zoned existing residential within the Clare CDP. I consider given this site's proximity to the town centre and its zoning it would be more suitable for residential development, subject to a flood risk assessment. UÉ discounted this site due to constructability issues associated with connecting to the existing network, ecological constraints of crossing the Kilkee river/Victoria stream, and proximity to residential areas and flood zones.

Option 3- Site 2:

10.5.8. This site is a green field site to the west of the R487 and bound to the north by the Victoria Crescent estate and to the east by houses fronting the R487/ Church Road.

It would also be located to the east of the Kilkee/Victoria stream and to the east of the existing pumping station. It is zoned as 'buffer space' within the CDP, which is identified as a reserve area on the Kilkee settlement map for the Kilkee River. The zoning matrix does not normally permit development on such lands. It also lies within the 1% AEP fluvial flood extent according to the latest CFRAMs maps (accessed 27/1/2026). This site is located further from the town centre compared to Site 1. This site was discounted by UÉ on similar grounds as site No.1 above.

Option 4- Site 3:

- 10.5.9. This site is a greenfield area to the south of the Victoria Park development. Its northern boundary abuts the Kilkee Upper stream and it is zoned as 'buffer space' within the CDP, which is identified as a reserve area on the Kilkee settlement map for the Kilkee Stream. The zoning matrix does not normally permit development on such lands. The site also lies within the 1% AEP fluvial flood extent according to the latest CFRAMs maps (accessed 27/1/2026). This site is located further from the town centre compared to Site 1. UÉ identified this site as presenting constructability, hydrological, and environmental constraints due to its location within a coastal and river floodplain and its distance from the existing PS network.

Option 5- Site 4:

- 10.5.10. The site is an unused brownfield site and is low lying to the west of the existing pumping station site, to the south of Nos. 7-10 Pairc na mBláthanna, and to the east of an existing caravan park. The Kilkee Upper Stream lies to the south of the site, and according to the latest CFRAMs maps (accessed 27/1/2026) the site lies within the 0.1% AEP fluvial flood extent. It is zoned as TOU 3 for tourism within the Kilkee settlement zoning map. Utilities are not identified within this zoning. I also note from the submitted CPO drawings that this site is in single ownership and accounts for 11.4% of the landowner's parcel.
- 10.5.11. This site was chosen by UÉ due to its proximity to the existing sewerage connection, accessibility by road and minimal environmental and ecological constraints relative to the other sites selected. This was the only site taken forward to the Stage 5 (Detailed Assessment) using a Site Selection Assessment grading tool. The site selection assessment methodology is outlined in Section 7.2 and outlined in Table 7.2 of Turley's Site Selection report submitted as evidence to the OH.

- 10.5.12. It is recognised within this assessment table that the proposed pumping station would be situated close to residential properties, and that noise and odour are a consideration during the planning and construction stages of the development. However, the pumping station and storage tank would be located underground and enclosed within a 2.4m high perimeter wall and therefore from a noise, odour and visual aspect would not impact the residential amenities of nearby properties.
- 10.5.13. A Noise Assessment report was produced by AWN Consulting Limited in relation to the proposed foul pumping station site and UÉ's standards have been applied for noise to the development as a whole. The proposed development would result in an additional 2/3 vehicles per week to the site when operational, but I consider this to be minor in terms of a traffic impact. Although during the construction of the development there will be an increase in vehicular traffic, this would largely be confined along the existing road serving the existing PS site.
- 10.5.14. Site No. 4 is on lands identified subject to flooding, and I note Site Nos 1-3 were discounted on flooding grounds. However, according to the selection report Site No. 4 would not be required for a future attenuation area for the realignment works proposed along the Kilkee river as part of the flood defence works for the town.

Conclusion

- 10.5.15. A new foul PS is required to pump all combined flows currently entering Victoria PS to the proposed WwTP Site. The current connection point at the existing Victoria PS is located at the lowest point of the sewer network, which avoids the need for further intermediate pump stations in the town. As a result, the new foul PS is required to be close to the vicinity of the lowest point of the sewer network at the existing Victoria PS.
- 10.5.16. The existing pumping station site was ruled out by UÉ due to it being too small to accommodate a storage tank, however, I note it is located at the lowest point of the sewer network to the town and that new twin rising mains had been installed as recently as 2022 to the existing outfall. I therefore consider it important that UÉ in their assessment of alternative sites, as a national infrastructure provider, sought to utilise existing infrastructure to maximise engineering efficiencies and reduce construction and operation costs as much as possible. Such an approach is supported at both national and local policy level.

- 10.5.17. UÉ has explored various alternatives relating to the site suitability for a proposed pumping station location. Whilst I consider the existing Victoria pumping station would be the optimum location, I acknowledge that the additional storage tank would be problematic to install given the constrained nature of the existing site as outlined at the OH.
- 10.5.18. Although Site No. 4, is on lands subject to flooding and zoned for tourism, I consider this site is located further from the Kilkee river/Victoria stream, located further from the town centre, and from adjoining residential properties, than the other 3 sites assessed.
- 10.5.19. I therefore consider that UÉ has demonstrated that the proposed location for the pumping station is the optimum one. This is notwithstanding that some plots of lands would need to be permanently acquired, acquired for temporary working purposes or as permanent wayleaves to access the site. Overall, I consider this aspect of the CPO test has been addressed.

10.6. **Proportionality and Necessity for the Level of Acquisition Proposed**

- 10.6.1. The delivery of a new pumping station to support the new WwTP serving Kilkee would benefit the residents in the area and enable the future growth of the town as outlined in the objectives of the CDP. However, I acknowledge the positive impacts in achieving this objective must be balanced against the negative impacts. In particular the acquisition of lands for the proposed PS must be balanced against the loss of lands or otherwise to the affected persons.
- 10.6.2. Uisce Éireann have indicated that the overall area required to accommodate the proposed pumping station site including the use of the road in Victoria Park estate to access the site, and the road to the rear of Nos.1-6 Victoria Park, during the construction period amounts to 0.1853 ha.. Plot 004 would equate to 0.0048 ha, which would be permanently acquired to provide for the vehicular access and maintenance of pipes into the proposed pumping station. I consider the land take in this instance, is both modest and proportionate and not excessive in the context of the infrastructure being provided.
- 10.6.3. During the OH discussions Ms. Coffey suggested that the road into the estate and to the rear of Nos.1-6 Victoria Park should be permanently acquired by UÉ and that UÉ

should provide street lighting along the road. As discussed previously within this report I consider the acquisition of this road by UÉ and the provision of street lighting would be disproportionate and unreasonable in the context of the development given that UÉ are a water services authority and not a road authority.

10.6.4. I also consider that UÉ demonstrated during the OH that a permanent wayleave over the existing pipe along the grass verge to the rear of Nos.1-6 Victoria Park, is a legitimate requirement and would not impair the property rights of the owners of these properties.

Conclusion

10.6.5. Having reviewed the information submitted, I am satisfied that the overall size and scale of the proposed lands to be acquired permanently, for wayleaves, for rights of way and for temporary working areas are necessary and proportionate because it has been kept to a minimum to facilitate the works and minimise the impact on the residents of Victoria Park, in the context of meeting the identified community need.

11.0 Recommendation

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

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

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

12.0 Reasons and Considerations

Having considered the objections made to the compulsory purchase order, the written submissions and observations made at the Oral Hearing held on 21st October

2025, the report of the Inspector who conducted the Oral Hearing into the objection, the purpose for which the lands are to be acquired as set out in the compulsory purchase order, which is to advance a new Pumping Station at Kilkee to connect to a new Wastewater Treatment Plant, and also having regard to the following:

- i. the constitutional and European Human Rights Convention protection afforded to property rights,
- ii. the strategic importance of the scheme in the context of addressing the current situation in Kilkee whereby the existing untreated wastewater is being pumped into Intrinsic Bay, which is resulting in discharge quality issues and environmental pollution,
- iii. the decision of an Coimisiún Pleanála to grant permission for the construction of a new pumping station and WwTP on Subject Sites A & B in Kilkee (Ref. ABP 321258-24),
- iv. the identified community need, public interest served and overall benefits to achieved from the proposed development,
- v. the chosen construction and service vehicle route, which constitutes a design response that is proportionate to the identified need,
- vi. the policies and objectives of the Clare County Development Plan 2023-2029, which are not materially contravened,
- vii. the submissions and observations made at the Oral Hearing held on 21st October 2025, and
- viii. the report and recommendation of the Inspector,

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

In reaching this conclusion, An Coimisiún Pleanála agrees with and adopts the analysis contained in the report of the person who conducted the Oral Hearing into the objections.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Catherine Dillon
Planning Inspector

4th February 2026

13.0 Appendix 1: Oral Hearing Proceedings

Background

An Oral Hearing (OH) was held on Tuesday 21st October 2025, in relation to the proposed compulsory acquisition sought by Uisce Éireann (UÉ) for the advancement of the Kilkee Pumping Station and proposed WwTP, in Kilkee Co. Clare ('The Project'). 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 Uisce Éireann (UÉ)

- Mr. Alan Dodd, BL – opening remarks, legal context and overview of the proposed CPO.
- Ms. Esther White, Uisce Éireann- provision of Witness Statement (Programme Manager), information on the design and engineering specification, and need for the project.
- Ms. Catherine Norris, Turley Planning Consultants - provision of Witness Statement (Planning) planning context and CPO's compliance with the relevant national policy context, including the Clare County Development Plan 2023-2029.
- Mr. Stephen Lau, Doran's Consulting - provision of Witness Statement (Engineering), site selection, route selection, alternatives considered and preferred site selection.
- Ms. Tracey Horan, Avison Young - provision of Witness Statement (Lead Surveyor) information in relation to land liaison issues with Brideford Properties Ltd.
- Mr Daly, Avison Young - provision of Witness Statement (Landowner Liaison Partner) evidence of engagement with landowner since 2018.
- Ms. Áine Gilhooly, Uisce Éireann - provision of Witness Statement (Administrative), procedural process of CPO.

2. Submission by Objector

- Mr. Paul Mullins, (Secretary) representing Brideford Properties Ltd.

- Ms. Antoinette Coffey, resident of No.3 Victoria Park, Kilkee.

3. Opening of Oral Hearing

- The Inspector (Catherine Dillon) formally opened the hearing at 10.01am.
- Following some introductory remarks, and confirmation of attending parties, it was requested that Uisce Éireann make its formal submission.

4. Submission by Uisce Éireann

Overview of CPO and Justification

- Mr. Alan Dodd, BL acting for the Applicant opened by confirming who was present to give evidence on behalf of Uisce Éireann.
- Mr. Dodd went on to set the context for the CPO and that it is for the purpose of facilitating a new pumping station for the new Wastewater Treatment Plant infrastructure in Kilkee Co.Clare. He also explained who would make submissions on behalf of UÉ, as listed above.

Ms. Esther White

Key issues raised:

- Outlined the existing context pertaining to the development and explained that Kilkee has been identified as an untreated coastal agglomeration and is not currently served by a wastewater treatment plant (WwTP).
- Explained that the current Victoria PS is served by 2 no. rising mains which discharge into Intrinsic Bay.
- The need for the scheme is to eliminate the current discharge of untreated wastewater from the Kilkee Agglomeration, to comply with the standards required by the UWWTD and regulatory legislative context, and to provide adequate capacity to facilitate the planned development and forecasted growth of Kilkee.
- Provided a brief description of the development which includes:
 - A new terminal foul PS with emergency storage to convey sewage flows from the Kilkee agglomeration to the proposed WwTP via existing rising mains.

- Construction of a new WwTP providing primary treatment and including stormwater storage, with a new final effluent outfall PS and new final effluent rising main to existing outfall.
 - WwTP designed for an equivalent of 7,926 P.E.
- Referenced the site and route selection process (Site Selection Report 2025) which followed best practice using Uisce Éireann's Technical Guidance Note and a five-stage process. Alternative sites and routes were fully considered and assessed against multiple criteria, with the current scheme being the most feasible.
 - Noted that planning permission was granted by An Coimisiún Pleanála for the development on 11th June 2025, with amendment on 22nd July 2025 (Ref: ABP-321258-24).
 - The project is included in UÉ's Capital Investment Plan & UÉ are committed to providing appropriate treatment for the agglomeration under the Untreated Agglomeration Scheme (UTAS) programme of works.
 - Noted that the proposed CPO is necessary as lands not in the ownership of Uisce Éireann/Clare County Council as part of the identified route and site selection assessment.
 - Confirmed attempts to engage with Brideford Properties Ltd., the legal title owners of Plot Nos. 004 -014 had taken place over a prolonged period but that it was not possible to reach agreement.
 - Noted that Ms. Antoinette Coffey is not an 'owner' within the meaning of the Housing Act 1966, but making an objection to the CPO 'of Brideford Properties Land'. Questioned locus standii to make the objection.
 - Stated that the acquisition of lands, permanent wayleave and temporary working areas as sought by the CPO are necessary and suitable to fulfil a community need. Alternative methods of meeting the community needs have been considered but are not demonstrably preferable.
 - Works will be carried out in accordance with the granting of planning for the development.
 - Should the CPO be confirmed by An Coimisiún Pleanála, Uisce Éireann will move to carry out the construction works.

Ms. Catherine Norris

Key issues raised:

- Described proposal, details of planning history & site history with a focus on Site A.
- Referenced ACP's decision on Ref: -ABP Ref: 321258-24 which was granted planning permission on 11th June 2025 by the Commission as varied by the amended Commission order. This is subject to Judicial Review proceedings of which leave to proceed was granted by the High Court on 15th September 2025.
- Outlined Ireland's Strategic Policy on wastewater and water services:
 - Quality conservation & future proofing, quality being the most pertinent to the project.
 - Improvement to waste and water networks to meet international benchmarks.
 - Current Kilkee system is discharging untreated & unfiltered foul effluent flows into Intrinsic Bay.
- Referenced the Draft Water Services Guidelines for P.As 2018, WFD, UWWTD, Water Services Acts 2007-2013, which sets standards for wastewater plants & the discharge of treated wastewater and legislative context in which UE operates, including guidelines for expanding or upgrading existing networks.
- Referenced UÉ's Water Services Strategic Plan which provides for effective management of wastewater, protect and enhance the environment, and support social and economic growth. Development aligns with the goals therein.
- Required funding has been obtained to complete the project.
- Referenced the revised NPF & RSES & CDP policies relevant to the development, and that the proposed development would provide essential wastewater drainage to meet EU objectives with regards to supporting the future development of Kilkee, the provision of clean water and environmental protection.
- Site selection- site has been chosen to avoid and reduce environmental harm to the sensitive environment through Ecological Impact Assessment, Natura

Impact Assessment, Archaeological Impact Assessment, Flood Risk Assessment, Water Framework Directive, & Landscape Visual Impact Assessment, and complies with natural & built heritage objectives of the CDP.

- P.S site is located in Flood Zones A&B – Stage II FRA carried out, no records of surface or ground water flooding, Justification Test carried out.
- Kilkee flood scheme is at design stage to protect Kilkee against 1% AEP flood event and is funded by OPW.
- Noise assessment carried out- UE standards would be applied in this regard and would be in compliance with Objective 11.40 of CDP in this regard.
- Site is not within an Architectural Conservation Area.
- Kilkee's waste water services must be upgraded by 2022 as required by its licence and to meet the WFD. Proposal would not have any significant environmental effects or adversely affect any European sites.
- ACP's decision confirms with their assessment and that the development complies with the CDP.
- CPO is necessary to meet UE's objectives under the Water Services Act 2017 and that only minimum land is required for the project and the site selection followed Best Practice in accordance with UE's technical guidance note.

Mr. Steven Lau

Key issues raised:

- UE standard practice to carry out a site selection report for any infrastructure development projects, follows a 5 Step process:
 - Step 1- Project scoping, providing 1st time treatment to the area.
 - Step 2- Study Area, in this case based on proximity of existing assets & source of the catchment.
 - Step 3- Initial Screening -looking at all alternative options & reducing that number and shortlisting.
 - Step 4- Options Shortlisting- identified 4 Treatment plant locations & 9 alternatives for pumping main routes & 4 alternatives for PS sites.
 - Step 5 – Detailed Assessment of 4 options for PS sites.

- Option 1- Looked at expanding current PS site & replacing the new PS within the boundaries of the wall. This was discounted due to lack of space.
- Option 2- Land to the east of existing PS cross the stream which divides the 2 areas. Discounted due to the proximity of residents and a flood plain.
- Option 3 - Lands to the south of the existing PS. Discounted because of the flooding in that area.
- Option 4- Selected site which is the new location for the PS was identified as the preferred site as a result of the 5 step selection process.
- Requested to go through Objectors concerns.
- Inspector said that would be dealt at a later stage.

Inspector asked Mr.Lau to expand on the reason for the selected site option for PS.

- He described the existing Victoria PS which is currently accessed via an existing road to the rear of Nos.1-6 Victoria Park owned by Brideford Properties Ltd.. There is an existing gate at the end of this road.
- Initial option was to build the new PS at this site.
- A new storage tank would be required for the new PS measuring 22m in diameter & 6m in depth, in addition to a new PS. This was discounted due to the proximity to House No. 6 (to north), which would be too close to this house for the excavation work to take place/damage risk too high. Hence an alternative site was chosen.
- Preferred site across the road from existing PS was chosen as currently the network feeds the existing PS and it is at the lowest location of the network.
- The manhole serving the existing PS is c.3.5m deep, hence the logical location for a new PS was as close as possible to the existing manhole to avoid excessive excavations.
- Currently there is no access to the field and that is why UÉ are looking to acquisition a portion of the lane as part of the CPO map to gain access into the site.

Ms.Tracey Horan

Key issues raised:

- Initially instructed by UÉ in March 2022 to engage with the relevant landowners associated with the scheme, regarding acquisition of lands associated and compensation with the proposed development. (refer to Tables 1 & 2 of Witness Statement outlining dates of engagement and consultation with Brideford Properties Ltd..)
- Outlined dates of telephone calls, emails and meetings held with Mr. Purcell (Hon. Secretary), Mr. Mullins (Chairperson) and Mr. Roach(resident) over a period from 29/3/2022 to 10/9/2025.
- Concluded that all reasonable endeavours were made to engage with the landowners to explain the process and to seek the consensual acquisition of permanent wayleaves on lands owned by Brideford Properties Ltd., by Uisce Eireann.

Mr. Daly

Key Issues raised:

- Been involved with Kilkee WwTP project since inception.
- Had meetings including onsite meetings, telephone calls and email contact with Mr. Purcell, Mr. Mullins (Chairperson) and latterly Mr. Roach (resident) on behalf of Brideford Properties Ltd., regarding the development since 2022. (refer to Tables 2 & 3 of relevant Witness Statement for summary of engagement and consultation with Brideford Properties Ltd.)
- Concluded that all reasonable endeavours were made to engage with the landowners to explain the process and to seek the consensual acquisition of permanent wayleaves on lands owned by Brideford Properties Ltd., by Uisce Eireann.

Ms. Anne Gilhooly

Key Issues raised:

- Responsible for land and land utilities lead with UE in providing business support to delivery of portfolios in terms of land and wayleave compulsory acquisition.
- Provided a summary of UÉ Compulsory Purchase Order (CPO) process and making the CPO.

- Stated that Uisce Éireann completed a clear process in the making of the CPO and managing all CPO documentation, including making the documentation available for public display, and enabling landowners or persons with interest in lands to make objections to the CPO.
- Stated that all reasonable endeavours were made to engage with landowners and/or their agents both prior to and following the serving of the CPO.

The Inspector called for a brief recess in proceedings.

5. Submission by Objectors, elaborating on written submissions

- The Inspector called for the Objector to present their submission.

Mr. Paul Mullins- chairperson on behalf of Brideford Properties Ltd.

(Mr. Purcell (Secretary) of Brideford Properties Ltd also in attendance)

Mr. Mullins

Key Issues raised:

- Brideford Properties Ltd is a management company looking after the 15 properties in Victoria Park.
- Mr. Mullins stated himself and Mr. Purcell were representing Brideford Properties Limited at the Oral Hearing.
- John Daly, on behalf of Avison Young, approached Mr. Purcell in January 2022 to set up a meeting to review plans for the new pumping station adjacent to Victoria Park.
- Brideford Properties Ltd., set up a sub committee to deal with the issues.
- Mr. Purcell (Secretary), himself and Mr. Roach (representing the residents) were designated to negotiate with UÉ on behalf of Brideford Properties Ltd.
- There was a total of 8 meetings held with UE, Avison Young and EPS Ltd, over the period January 2022 to September 2025.
- Brideford Properties Ltd negotiated in an open and honest way in the hope they could achieve an amicable agreement with Irish Water.
- Proved difficult as the only concession Irish Water agreed was to reroute construction traffic down the laneway to the existing pumping station in Victoria Park and across Victoria Park to the new PS site.

- Irish Water rejected to erect an automatic barrier to control persons entering the estate.
- Brideford Properties Ltd lodged 6 objections on the following grounds:
 1. Use of Victoria Park estate road for service vehicles
 - UÉ has refused to use the same access road for service vehicles as per the construction phase route. They contend there would only be a small number of vehicles coming through Victoria Park for routine maintenance.
 - Brideford Properties Ltd. consider larger vehicles would be required in the event equipment breaks down.
 - This is most likely to happen when the plant is at full capacity during the months of June to August when the population of Kilkee is at its peak. Outlined this raises a health and safety risk in particular with regards to young children playing in the area at this time.
 - Routing service vehicles along the same construction route offers a safer option.
 - Following last meeting Avison Young confirmed that UÉ considered the estate route was the most appropriate route.
 - Mr. Mullins contends this is not the most appropriate route for the residents.
 2. UÉ has failed to agree a compensation package with Brideford Properties Ltd
 - There is notice that the owners of Nos. 1-6 Victoria Park want to extend their rear gardens beyond the existing boundary wall into the grass verge area (plot 013) owned by Brideford Properties.
 - However, this area (Plot 013) would be subject to a permanent way leave, and UÉ have refused to purchase it from Brideford Properties.
 3. Victoria Park has not been taken in charge.
 - Concerned works will be carried out not in accordance with planning permission, as happened in PA Ref 17/754 regarding the demolition of the boundary wall.

4. Noise

- Noise impact from the 2 combined pumping stations would result in noise impacts to residents, particularly at night.

5. Boundary wall to proposed PS site

- Brideford Properties requested UÉ to extend the 2.5m high boundary wall around the new pumping station site down to the boundary with No.15 Victoria Park, to make it more aesthetically pleasing.
- UÉ refused to do so, because they were not acquiring the extra land.
- Brideford Properties offered to allow the wall to be extended to the perimeter of Victoria Park and UE are refusing to do so.

6. Damage to road surface at Victoria Park

- Concerned, construction traffic will damage the road surface down to the existing PS site.
- Request the road is resurfaced after work after construction phase.

Days & Times of construction

- Have received verbal assurances from UE that no construction works would occur outside the months of June – August as Victoria Park is heavily occupied during these months. However, in recent correspondence from UE it states construction work would only be carried out between 0700-1900 hrs Monday to Fridays & 0800 -1400 hrs on Saturdays and not on Sundays & Bank Holidays but no reference is made to the summer month restrictions.

Ms. Antoinette Coffey

Key Issues raised:

- Ms. Coffey confirmed when asked by the Inspector that she is one of the 15 owners of Brideford Properties Ltd., and that each owner owns a 1/15 share cert each.
- She had 2 further items to add following on from Mr. Mullins submission:

1. Main item of concern is the maintenance of the approach road into Victoria Park. Wants UÉ to take responsibility for the maintenance, upkeep and reinstatement of the road from Wells Road at the entrance into Victoria Park estate and the road to the rear of Nos.1-6 Victoria Park. Also refers to these roads having no streetlights and being in a deplorable state.
UÉ to take responsibility for the maintenance of the road to the rear of Nos.1-6 Victoria Park as they are the only users of this road, to reinstating it and erecting lighting along this road.
2. Residents of Nos.1-6 Victoria Park have agreement in principle from Brideford Properties to transfer the green strip area beyond their boundary wall, currently in Brideford Properties folio, into their own individual folios to provide a vehicular access to their properties. (Plot 013 refers).
Is seeking clarity from UÉ with regards to the extent they need to use this green strip area as they haven't identified exactly where the pipes are along this area. Would like to meet a representative from UÉ to identify where the pipes are to enable the residents to know how far they can extend their rear walls.

6. Questioning between Parties

- The objectors were afforded the opportunity to question the Applicant and its representatives.
- Several points were raised and/or expanded upon during this part of the OH proceedings. Relevant points of interest are referred to in the assessment section of this report above (Section 10).
- I note also that this part of the Oral Hearing is available on the digital recording of the OH proceedings.

7. Closing Comments

The parties made closing statements, which are summarised as follows:

Mr. Mullins – Secretary of Brideford Properties Ltd.

- The operational and service traffic and the frequency of traffic using the estate road during the operational phase will impact on the safety of children in the estate.
- Trucks will be required in the event of a breakdown at the site.
- The residents of the estate wanted the Management Company to erect a barrier at the entrance to the estate to prevent service vehicles using the estate road.
- Required UÉ to confirm in writing that there would be no works undertaken during the months of June-August.
- Had meetings with various representatives from UÉ but that UÉ had conceded nothing.
- Mr. Mullins wanted it to be noted for the record Brideford Properties had offered UÉ to buy the lands to the back of the houses & they refused.

Ms.Coffey- No. 3 Victoria Park

- It would be to the benefit of everyone if the ownership of the unregistered lands to the north of the entrance into Victoria Park could be identified as it is in a poor state of repair and has no street lighting.
- Ms. Coffey was concerned that as this road was unregistered and not taken in charge it would not be repaired following construction works and could not be enforced.
- It was a pity UÉ had not considered purchasing the road to the rear of Nos.1-6 Victoria Park and perhaps that could be revisited.
- For the record wanted it noted that the location of the pipe would be confirmed by UÉ .
- Wanted it placed on the record that UÉ had agreed to a pre-construction survey of walls and houses.

Mr Dodds – on behalf of the Applicant

- No dispute from any parties that there is a community need for the proposed development in Kilkee or that the particular plot of land for the proposed PS is an issue given there has always been a pumping station at Victoria Park.

- The real issue is the use of the access for the construction stage and that Ms. Coffey's concerns have been addressed as best as UE can in this regard.
- Operational traffic post construction stage, frequency of traffic and alternatives were considered.
- There is a planning permission in place and the scheme is needed and within provisions of statutory CDP.
- UÉ must have regard to proportionality of which Brideford Properties will be compensated because there has been interference to rights on their land by UÉ and they are entitled to be compensated. Balancing the community need against the interference post construction of a van going down the estate is something which they consider meets that threshold.
- There has been an historic pumping station with an access to the arear of Victoria Park. The main issue seems to be the use of this access during the construction period, which UÉ has addressed.
- The CPO should be recommended for approval.