



An
Coimisiún
Pleanála

Inspector's Report ACP-323891-25

Development	Uisce Éireann Compulsory Purchase (Adare Rationalisation) Order, 2025
Location	Castleroberts, Adare, Co. Limerick.
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	
Applicant(s)	Úisce Éireann
Type of Application	Compulsory Purchase Order.
Objectors	Edward Houlihan
Date of Site Inspection	13 th February 2026
Inspector	Bernadette Quinn

1.0 Introduction

- 1.1. This report relates to a compulsory purchase order (CPO) made by Uisce Éireann (UÉ) to advance the Adare Rationalisation Project. The project is included in the Uisce Éireann Capital Investment Plan 2020 – 2024.
- 1.2. The stated purpose of the Adare Rationalisation project is to address identified treatment risks associated with the Adare water supply. At present all drinking water from the Adare Water Supply Zone is sourced from its water treatment plant which is located on the bank of the River Mague. The EPA (Environmental Protection Agency) during an audit in May 2024 identified significant risks in the treatment process and the water supply was subsequently placed on the EPA's Remedial Action List. The Project Need stems from the existing Water Treatment Plant in Adare approaching its end of life, and Uisce Eireann's wish to extend the water supply from Castletroy Newcastle Towers in Limerick to Adare Reservoir.
- 1.3. To facilitate the proposed works, Uisce Éireann is seeking to compulsorily acquire the necessary lands to implement the scheme (permanent wayleaves and temporary working areas and rights of way for the project as it affects private lands depicted on Compulsory Purchase Order Drawing UE/10051295/CPO/0001). A Compulsory Purchase Order is required to facilitate the installation of a water main beneath the River Mague to complete the Adare Rationalisation project. The Commission has received one objection in respect of the CPO.
- 1.4. This report considers the issues raised in the objection, as submitted to the Commission and, more generally, the application to acquire lands for the stated purpose.

Statutory Basis

- 1.5. The CPO was signed and has the seal of Uisce Éireann affixed on the 31st day of October 2025. It was advertised in The Limerick Leader (newspaper) on November 15th 2025. Formal notices were issued to landowners on the 11th of November 2025. The application was lodged with An Coimisiún Pleanála on the 21st of November 2025.
- 1.6. The Commission held an Oral Hearing on 18th February 2026. A summary of the proceedings is set out under Appendix A.

2.0 Site Location and Description of the Scheme

- 2.1. Adare village is located approx. 18km southwest of Limerick City Centre. It is a large village located on the N21 National road between Limerick and Tralee. The river Maigue is located to the north and east of the village. The existing water treatment plant is located approx. 2.5km southeast of the village.
- 2.2. The proposed works area is located south of Limerick City, Co. Limerick, running between the two towns of Adare and Croom. Works are intended to follow local road L1420 for the most part, with sections of national road N20 and regional road R519 also affected. The landscape surrounding the works area consists of agricultural land and detached residential properties and farmyards.
- 2.3. The lands which are subject of the proposed CPO are shown in the deposit maps and are located in Castleroberts, approximately 5km by road southeast of Adare. An existing water supply treatment plant is located at Derryvinnane, approx. 220m southwest of the objector's landholding and separated by the river Maigue.
- 2.4. The proposed works are detailed in the documentation accompanying the CPO and are available on the file. However, in summary, the proposed works comprise the following:
 - i. Rationalise and decommission the existing Adare Water Treatment Plant.
 - ii. Water will instead be provided to the Adare Network via a new trunk main, connected to the existing Limerick-Croom Trunk main. The new trunk main will require 9.1km of new pipe connecting to an existing trunk main which serves Adare Storage Reservoir.
 - iii. The Existing 4.0km of rising main feeding Adare Storage Reservoir will be replaced due to structural issues.
 - iv. The works will include a no dig crossing of the River Maigue
- 2.5. The main objectives of the project are:
 - i. The reduction in the risk of microbiological non-compliance & improved security of supply for 1,231 properties.
 - ii. A security of supply to the properties, via a reduction in the risk of asset failure.

- iii. Eliminate known risks at the existing WTP and facilitate the removal of the scheme from the EPA Remedial Action List or the imposition of a Boil Water Notice
- iv. Minimise risk of interruption to supply due to the condition of the treated water rising main.
- v. Strategically align with the National Water Resources Plan preferred approach of interconnecting Adare with the Limerick City & Environs Water Resources Zone.

3.0 Application of the CPO

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

- Uisce Éireann (formerly Irish Water) Compulsory Purchase (Adare Rationalisation) Order 2025 (sealed and dated).
- The relevant CPO drawings / maps (sealed and dated) (Drawing Sheets x1).
- Chief Executive's Order
- Engineers Report
- Sample copy of Notice served in connection with the Compulsory Purchase Order on the affected landowners/lessees/occupiers.
- Copy of the public notice as published in The Limerick Leader (newspaper) on November 15th 2025.
- Certificate of service of CPO Notices.

4.0 Planning History

4.1. Decision

There is no relevant planning history associated with the area relating to the CPO.

5.0 Policy Context

5.1. Limerick Development Plan 2022-2028

The Limerick Development Plan 2022-2028 was adopted by the elected members on 17th June 2022 and came into effect on 29th July 2022. There has been 1 no. variation made to the Plan regarding clarification of text in Chapter 7 comprising an amendment to Policy TR P11 Road Safety and Carrying Capacity of the non-national Road Network and Objective TR O37 Land Uses and Access Standards.

Volume 1 Written Statement

The subject lands are located outside the settlement boundary of Adare as shown on LAP maps, are un-zoned, and are in an area identified as 'Areas of Strong Urban Influence' on Map 4.1 Rural Housing Strategy Map in Chapter 4 of the Development Plan.

Chapter 2 outlines a Core Strategy wherein Table 2.4 identifies Adare as a Level 4 Large Village (>500 population). In Table 2.7 Adare is identified as having a total population of 1,455 with a forecasted additional 122 households.

Chapter 8 Infrastructure includes objective IN O6 Water Services which includes the following stated objectives of the Council:

- a) Support Irish Water in the provision of water and wastewater infrastructure and services in accordance with the Service Level Agreement, until such time as the Agreement is terminated.
- b) Collaborate with Irish Water in the protection of water supply sources to avoid water quality deterioration and reduce the level of treatment required in the production of drinking water, in accordance with Article 7(2) of the WFD. Protection and restoration of drinking water at the source can have co-benefits for biodiversity and climate change.
- c) Liaise with Irish Water during the lifetime of the Plan to secure investment in the pro-vision, extension and upgrading of the piped water distribution network and wastewater pipe network across Limerick City and County, to serve existing population and future population growth and sustain economic

growth, in accordance with the requirements of the Core and Settlement Strategies.

Volume 3: Architectural Conservation Areas

Volume 3 of the Development Plan relates to Architectural Conservation Areas and Record of Protected Structures wherein the Adare Architectural Conservation Area adjoins the northern boundary of Castleroberts Bridge.

5.2. Adare Local Area Plan 2024-2030

The objector's lands are located outside of the boundary of the Adare Local Area Plan (the LAP). However, the following extracts from the LAP are considered relevant:

- Section 9.1 refers to Water and Wastewater Infrastructure and states "Adare is served by the Adare Water Resource Zone (WRZ). A Project to facilitate interconnection with Limerick City WRZ, via Croom is underway and is expected to be delivered by 2026, subject to the necessary approvals. It is envisaged that, with these works there will be adequate capacity available to cater for the proposed population growth over the plan period."
- Objective IU 02 Water Infrastructure: It is an objective of the Council to
 - b) Facilitate improvements to the existing water supply system to cater for the needs of an expanding population

5.3. Other National and Regional Policy

- Irish Water: Water Services Strategic Plan 2050
- National Water Resources Plan
- Irish Water's Strategic Funding Plan 2025-2029
- Irish Water: Water Services Policy Statement 2024-2030
- The Planning System and Flood Risk Management, including the associated Technical Appendices, 2009 ('the Flood Risk Guidelines')
- The National Planning Framework First Revision 2025
- Regional Economic Strategy for the Southern Region 2020-2032

6.0 The Objection

6.1. The Commission received a single objection in relation to the CPO. The objection is made by the landowner, Mr. Edward Houlihan (the objector) (represented by FBA Consultants), and relates to plot reference 004 (permanent wayleave with a stated area of 0.0657ha) and temporary working areas indicated as plot reference 005 (with a stated area of 0.047ha) and 006 (with a stated area of 0.047ha), as shown on drawing sheet no. UE/10051295/CPO/0001. The objection raises the following concerns:

- The objector is opposed to the proposed route of the scheme and requests that it be relocated to the opposite side of the public road from his landholding. This alignment will place the entire scheme on the same side as the existing treatment plant.
- The proposed route requires two road crossings and has at least three right angle joints which compromise pressure and are more prone to leaks.
- The proposed route has a greater cumulative impact on the three affected adjacent holdings at this location. The requested route therefore represents the more logical and appropriate route.
- The principal explanation given by UE for the selection of the proposed route is the lack of awareness of the location of the existing suction pipe. This is not a plausible explanation. The location is clearly marked on the relevant folio map which is attached to the objector's submission.
- The proposal will result in the loss of a residential site for the objector's son at the most favourable location on the holding. A letter is attached to the objection from the objector's son confirming his intent to apply for permission in this regard along with a letter from a planning agent and site layout plan relating to the proposed planning application.
- The River Mague is protected and there are concerns that the impact of the project on the river should be assessed accordingly.
- The river on the objector's side of Castleroberts Bridge may be more ecologically sensitive than the northern side because of the mature trees and

the morphology of the river. There are no mature trees on the northern side and there is already man-made interference to the river by the suction pipe.

- The proposed trenchless crossing is not without risk. Pits on the banks, noise, vibration and potential fissures may cause the river water to leak into the bore chamber and allow the release of chemicals from the process to contaminate the river which is a major risk to the Adare water supply.
- The proposed route is upstream of the water treatment plants intake suction pipe. The objector's requested route is downstream and therefore any potential contamination of the Adare water supply from a trenchless crossing would be averted.
- The trenchless process has potential adverse impacts for the river and its banks and for resident protected fauna like otters, horseshoe bats, salmonoids, lamprey, crayfish and mussels.
- There is little local awareness of the scheme and no roadside signs were posted.
- An Oral Hearing is requested.

7.0 Oral Hearing

7.1. Background

- 7.1.1. An Oral Hearing was held on Wednesday, 18th February 2026. Oral submissions were heard by, or on behalf of, the parties, during the course of the Hearing.
- 7.1.2. 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 the Commission in relation to the CPO Order.
- 7.1.3. 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 the Commission has no role or jurisdiction in the determination of compensation.

- 7.1.4. The proceedings of the Oral Hearing are outlined in Appendix A of my report and referenced, where necessary, in the assessment section below (Section 8.0). The proceedings were recorded and are available to the Commission on an audio file.

7.2. **Modifications**

- 7.2.1. No modifications were proposed to the CPO during the Oral Hearing.

8.0 **Assessment**

8.1. **Overview**

- 8.1.1. The proposed CPO relates to works relating to part of a larger project known as the Adare Rationalisation Project. The Adare Rationalisation project will supply water to Adare Water Resource Zone (WRZ) from the Limerick City WRZ. A new distribution main will be installed and supply the local network. The installation of the 350mm Ductile Iron trunk mains works will include a crossing of the river Maigue. A water main 450mm HDPE (High Density Polyethylene) will be Horizontally Directionally Drilled (HDD) beneath the river Maigue. A Compulsory Purchase Order is required to facilitate the river Maigue crossing.
- 8.1.2. The lands subject to this CPO are all located in the townland of Castleroberts and are currently in use for agriculture. There are existing detached residential properties located approximately 300m to the northeast and 350m to the south. The nearby Castleroberts Bridge is a Recorded Monument and is included on the National Inventory of Architectural Heritage (NIAH). The Adare Architectural Conservation Area adjoins the northern boundary of Castleroberts Bridge.
- 8.1.3. The following drawings are included on the file:
- Drawing UÉ/10051295/CPO/001 shows all lands included in the CPO procedure.
- 8.1.4. My assessment of the proposed CPO considers the issues raised in the written objection submitted to the Commission, the points made at the Oral Hearing (OH), and the general principles to be applied in assessing CPOs of this nature.

Accordingly, for the Commission to confirm the CPO, it must be satisfied that the following criteria have been met:

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

8.2. Community Need

- 8.2.1. Adare has a population of approximately 2,341 and is served by the Adare Water Treatment Plant (WTP), which has a production capacity of 1.8ML/d. Water is abstracted from the River Maigne, and undergoes physical treatment at the WTP, prior to being disinfected and pumped to the Adare reservoir through a 4km rising main. From this reservoir, water is distributed to the town and surrounding area by gravity.
- 8.2.2. The Applicant, Uisce Éireann (UE) has set out in their Planning Report that the Adare WTP plant was constructed in the 1970's and has reached its end of life. The plant has suffered from considerable deterioration and cannot be relied upon to produce water to current standards on an ongoing basis. An EPA Site Visit Report in Q1 2024 observed risks to interruption to supply, water quality and pollution of the environment. In addition to concerns at the plant, the 4km rising main to the reservoir is in very poor condition, with bursts now occurring on average 6 – 8 times per year.
- 8.2.3. In order to provide for the continued growth of Adare, and to provide a reliable supply of quality drinking water, UE states that it is necessary to bring a supply from Castletroy Newcastle Towers to Adare Reservoir. There are two connection points applicable to the project, located in Croom at a recently installed 450mm Ductile Iron

connection point on the N20 south bound hard shoulder and at Adare Reservoir where a 350mm Ductile Iron pipe terminates and the project will involve crossing the River Mague.

- 8.2.4. The proposed upgrade works are detailed in the documentation accompanying the CPO. In summary, the works include a new distribution main installed to supply the local network which will include a water main 450mm HDPE (High Density Polyethylene) Horizontally Directionally Drilled beneath the River Mague to provide for the river crossing.
- 8.2.5. The Applicant sets out the statutory process and policy requirements in their Engineers Report and Planning Report, including the identification of applicable national, regional and local planning policies relevant to the project. Section 5 of my report provides a further summary of the relevant planning policy in relation to the proposed CPO.
- 8.2.6. I do not propose to cite or reiterate vast sections of these reports in this part of my assessment – they are on the file and so available to the Commission for reading – however, I would highlight there is a clear requirement to comply with the relevant policies, including UE’s Capital Investment Plan which prioritises key outcomes such as reducing leakage and ensuring at-risk water supplies are removed from the EPA's Remedial Action List. There is also a requirement for UE to provide clean drinking water to customers enabling economic growth, protecting both the environment and the health and safety of its customers and the public and to facilitate growth in line with the development plan.
- 8.2.7. I note that the existing WTP is stated to have reached its end of life and that there are risks associated with the existing water treatment plant and rising main due to it having reached its end of life. I am satisfied that there is sufficient evidence on the file to support this matter.
- 8.2.8. Having regard to the above I would concur with the Applicant that the proposed upgrade works to the existing WTP is in the best interest of the community. I am satisfied that the existing WTP at Adare represents outdated infrastructure, which is no longer fit for its original intended purpose. There is an imperative requirement for the WTP serving the local community to be made fit-for-purpose.

8.2.9. I consider that the needs of the public would be met by the CPO of the lands in question, that UE has demonstrated that a clear and pressing community need would be met by the project, and that this would be facilitated by the acquisition of rights over the lands in question, should the Commission confirm the CPO.

8.3. Suitability of the Lands

8.3.1. I highlight for the attention of the Commission that UE is not seeking to permanently acquire any lands from the objector. It is, however, seeking to acquire a permanent wayleave, being Plot No. 004, and temporary working areas, being Plots 005 and 006, along the proposed pipeline route.

8.3.2. I note that Plot Nos. Nos. 004, 005 and 006 are required to construct a pipeline under the Mague River so as to connect to a recently installed 450mm Ductile Iron connection point in Croom with an existing connection at Adare Reservoir where a 350mm Ductile Iron pipe terminates.

8.3.3. The lands are located outside the settlement boundary of Adare and are un-zoned. The plots of land do not have any particular sensitivity in terms of Development Plan designations, landscape character, or scenic views or protected qualities. I note that the lands which are being proposed to be acquired are described as agricultural land and I observed this use on the date of my site inspection.

8.3.4. The objector outlined concerns with regard to the suitability of the lands for the works and these are discussed below.

Future Development

8.3.5. During the Oral Hearing the objector noted that the lands to the north of the bridge are within the Adare ACA and as such are more limited in terms of potential future development as opposed to the objectors lands where it is proposed to seek permission for a dwelling for the landowners son. It is considered by the objector that the proposed wayleave would significantly compromise that opportunity.

8.3.6. In relation to the objector's concern relating to the loss of a residential site UE notes that there is no current planning application submitted for a development at this location and that the wayleave would not compromise the siting of a dwelling. UE outlined that the suitability of the site would need to be assessed as the area is at risk of flooding as shown on flood extent maps.

- 8.3.7. I note from a planning history search of the area and as confirmed at the Oral Hearing that permission has not been sought on the site in question. Insofar as this application for confirmation of a CPO is concerned, I do not consider that the potential future application for permission and the proposed pipeline route are fundamentally in conflict, and I consider any future planning application would be assessed on its merits and based on circumstances at the time of the application.
- 8.3.8. I also note that the case before the Commission is a compulsory purchase order and the matters that are required to be assessed relate to community need, suitability of the site to meet that need, alternative methods of meeting that need and that the works would not be in material contravention of the statutory development plan. I do not consider the potential future residential development of the area of the proposed CPO is a relevant consideration.

Natural Heritage

- 8.3.9. In their submission and at the Oral Hearing the objector noted the extent of otter activity is greater on the objector's side than on the northern side and reference was made to a riparian grove area as shown on original OSI maps on the objector's side of the bridge. Reference was made in the submission to potential impacts on horseshoe bats, salmonoids, lamprey, crayfish and mussels.
- 8.3.10. In response UE outlined that the works at the river crossing do not enter a protected area and that an Appropriate Assessment screening has been carried out for the project which recommends that Appropriate Assessment is not required. Regarding the concern to the objector's side of the bank being more ecologically sensitive, the Appropriate Assessment Screening Report for the project which finds that there will be no direct impacts on the Lower River Shannon SAC and there will be no habitat loss or fragmentation as a result of the proposed development. UE also outlined that the proposed HDD construction methodology avoids instream works and the proposed pipe will be drilled in the open space away from the mature trees to avoid impact on the trees.
- 8.3.11. I note that there is no natural heritage designations associated with the lands (they are not designated as a Special Protection Area (SPA), Special Area of Conservation (SAC) or Natural Heritage Area (NHA) or proposed Natural Heritage Area (pNHA)). The closest such site is the Lower River Shannon SAC (Site Code:

004077) located approximately 3km northwest of the location of the proposed works on the Objectors lands. I note that proposed works would be laid underground, with the surface restored to its original condition with no fence, barrier or enclosure of any kind to be erected around the wayleave areas. I am satisfied with the approach taken by UE including the information submitted in relation to the file. I see no reason from the information on file or the Oral Hearing submissions to consider the CPO would have any significant negative impact.

Cultural Heritage

- 8.3.12. In their submission and during the Oral Hearing the objector outlined cultural heritage considerations which they consider result in the objector's lands being more archaeologically sensitive than lands to the north of Castleroberts Bridge. These include Castleroberts Bridge and a castle at the centre of the objector's landholding; that the ruined Castleroberts church may be in close proximity to where the proposed pipe is crossing; and that the old entrance to the castle crosses the proposed CPO lands where the pipe is proposed to be located. Reference was also made to the ACP inspectors report in relation to the N21 bypass which crossed the Maigne upstream of the objectors holding, with the report stating that the significance of impact on the Castleroberts field system was assessed as moderate and this is further evidence of archaeological sensitivity on the objectors holding.
- 8.3.13. In response UE outline that the Route Selection Report considered archaeological constraints, and it was found that there is unlikely to be any impact on built heritage.
- 8.3.14. In terms of Cultural Heritage, whilst I note that the settlement of Adare is sensitive in terms of cultural and heritage value with a number of protected structures and an Architectural Conservation Area within the village which extends to the northern side of Castleroberts Bridge, having reviewed the National Monuments Service (NMS) Historic Environment Viewer and the Development Plan I note that the plots of land relating to the CPO have no known cultural or heritage designations. Therefore, I consider the lands to be acquired do not have any particular sensitivity in terms of cultural or heritage value.

Risks Associated with Trenchless Crossing

- 8.3.15. The objector raises concerns in relation to the potential for contamination of the existing water supply and potential risks as a result of works relating to the proposed

trenchless crossing. I note the response of UE that the area of the proposed river crossing to the south of the bridge has been assessed and that ground conditions have been found to be suitable. I therefore do not consider the location of the proposed works presents risks beyond those that might be experienced elsewhere.

Conclusion

- 8.3.16. During my physical inspection of the area I observed that most of the area surrounding the proposed CPO was sparsely populated. There is no intention by the Applicant to acquire any residential dwellings, associated domestic outbuildings or private gardens. I also consider that generally these types of works relating to a utility installation would be relatively commonplace along roadside boundaries and within agricultural land holdings.
- 8.3.17. I am also satisfied that the extent of land proposed to be acquired which comprises one no. permanent wayleave with a stated area of 0.0657ha and two no. temporary working areas with a stated area of 0.047ha and 0.047ha, is proportionate to the identified community need and that the amount of land-take is necessary to facilitate the proposed Adare Rationalisation Project.
- 8.3.18. The plots of land which are proposed for acquisition are adjacent to the River Mague and a local road and I do not consider any plots of land have been included unnecessarily as part of the CPO. In reaching this conclusion, I have reviewed the deposit maps, and other material submitted as part of the CPO application, the nature of the proposed project, and its installation methodology, all of which was set out in the submission made by UE during the Oral Hearing, and in the original application documents made to the Commission.
- 8.3.19. In conclusion, I am satisfied that the lands subject to this CPO application are suitable and required to accommodate the proposed water supply project, and that this is in the interest of serving the community need.

8.4. Development Plan Compliance

- 8.4.1. As outlined in Section 5 above, the Limerick Development Plan 2022-2028 includes several provisions which seek to support the provision of improved infrastructure, including water supply. This is in order to facilitate economic and residential

development, and to promote investment in the water and drainage network to support environmental protection and facilitate the sustainable growth of the County.

- 8.4.2. Adare is identified as a 'Level 4 Large Village' within the Limerick Development Plan 2022-2028 and has a forecasted additional 122 households over the plan period. Level 4 large villages are identified as settlements generally with a population of over 500 and less than 1,400 persons that cater for the daily and weekly needs of their inhabitants and the needs of the surrounding wider catchment area. Level 4 settlements provide a range of employment opportunities and services appropriate to their size and function, such as secondary and primary schools, childcare facilities, sports grounds/complexes, libraries, Garda stations, medical centres and a good range of local services including shops, pubs, post offices and banks/credit unions.
- 8.4.3. Development Plan Objective IN O6 Water Services states that it is an objective of the Council to support UE in the provision of water infrastructure and services, to liaise with UE during the lifetime of the Plan to secure investment in the provision, extension and upgrading of the piped water distribution network across Limerick City and County, to serve existing population and future population growth and sustain economic growth, in accordance with the requirements of the Core and Settlement Strategies.
- 8.4.4. The Adare Local Area Plan in Section 9.1 refers to Water Infrastructure and states that a project to facilitate interconnection of the Adare Water Resource Zone (WRZ) with Limerick City WRZ, via Croom is underway and is expected to be delivered by 2026, and that it is envisaged that, with these works there will be adequate capacity available to cater for the proposed population growth over the plan period. Also of relevance within the Adare LAP is Objective IU 02 Water Infrastructure which states that it is an objective of the Council to facilitate improvements to the existing water supply system to cater for the needs of an expanding population.
- 8.4.5. Overall, due to the capacity constraints and limitations of the existing WTP I consider that the proposed land acquisition is required in order to achieve the objectives of the Limerick Development Plan including Objective IN O6 and Objective IU 02 and Section 9.1 of the Adare Local Area Plan.

8.4.6. 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.

8.5. **Consideration of Alternatives**

8.5.1. The various route options considered were set out in the submitted 'Route Selection Report' prepared by TOBIN Engineers and submitted with the application as well in the submission by Mr Paul Cloonan (TOBIN Engineers, on behalf of UE) at the Oral Hearing. The route selection report completed in 2025, assessed potential routes between the Croom Tie-in and Adare Reservoir and identified a preferred route for the whole scheme based on a number of factors and criteria including pipeline details (length and materials), physical obstructions and crossings along pipelines, constructability, topography, utilities, environmental factors (these include national monuments, archaeology, built and natural heritage), and land ownership, reinstatement requirements/costs, co-location with other utilities, traffic management and road safety, waste management, and biodiversity enhancement.

8.5.2. The Route Selection Report notes that the study area is defined by the existing UE water assets in the area, namely the Adare Reservoir located west of the river Mague and the Croom tie-in point east of the river Mague. The study area comprises Section 1 which includes the area from the Croom Tie-In point on the N20 to the river Mague and Section 2 which is the area between the river Mague and Adare Reservoir which is the termination point of the project. The objector's lands are located in Section 1, close to its western edge. Four route options were considered for each of the two sections of the study area. The assessment of options for Section 1 favoured route Option 3 as the preferred route mainly in respect of technical, landowner and cost criteria. The proposed route follows the public roadway for the entirety of the project, except at the river crossing.

8.5.3. The alternative routes for the pipeline were found not to be demonstrably preferable. The report states that the preference is to route the pipeline along public roads. The preferred final route was chosen as it has advantages over the other routes considered, in terms of minimising disruption to landowners and local communities, while also conforming to engineering best practice, health & safety and taking cognisance of, inter alia, environmental, architectural heritage and capital cost

factors. The Route Selection Report outlines the options that were considered and the basis upon which the preferred route option was chosen. The information set out in the report was elaborated upon at the Oral Hearing.

- 8.5.4. UE outlined that to cross the river a number of options were investigated. Utilising the Castleroberts bridge involved a number of constraints and Directional Drilling is the demonstrable preferred methodology. Construction on the Adare WTP side of the river (north of Castleroberts Bridge) would encounter health and safety constraints associated with overhead electrical line and a concern that damage to the existing water infrastructure could occur during construction. Construction on the side of the CPO in question does not involve any of the constraints highlighted and as such is demonstrably preferable.
- 8.5.5. The objector outlined concerns in their submission and at the Oral Hearing that it is not clear when, why and how the route of the river crossing was selected and that UE did not adequately identify or investigate potential more suitable locations for the proposed infrastructure, such as locating the river crossing to the north of Castleroberts Bridge. A suggested alternative crossing on the northern side of the bridge is provided by the objector which is a mirror image of the proposed pipeline on the objector's side of the road.
- 8.5.6. The objector also outlined that a trenchless crossing on the northern side can eliminate the risks raised by UE and that UE's existing operations are already situated on the northern side and where the new approach pipework for a proposed river crossing has already been installed. It was queried why the pipe could not be confined to the public road and positioned beneath or attached to the bridge. It was stated by the objector that this approach would achieve the objectives of the scheme without unnecessary interference with the objectors holding.
- 8.5.7. The objector raised concerns that the route through the objector's lands to the south of Castleroberts Bridge was chosen so that UE could avail of an exemption from the requirement for planning permission by avoiding the ACA in place to the north of the bridge.
- 8.5.8. The objector noted the case of UE in relation to health and safety requirements and outlined that in this regard it is possible to work away from the existing electricity lines and overcome the issues raised and the argument that the existing intake pipe

is a constraint is not valid. The objector noted concerns that this route was chosen based solely on costs. Measures to address the concerns raised by UE are outlined including filling the existing reservoir at night to overcome concerns relating to disruption to water supply during works. It was also noted that the overall scheme has crossed power lines at numerous occasions, and this argument is not accepted as a reason for avoiding the route to the north of Castleroberts Bridge.

- 8.5.9. In relation to Appropriate Assessment, the objector stated that this is relevant to the route selection and that it is more preferable to go to the north side of the bridge instead of the south side of the bridge on environmental grounds.
- 8.5.10. In response to the concerns raised UE outlined that the overriding consideration was to avoid going through public lands unless absolutely necessary. UE stated that the proposed route location is the optimum engineering solution for the river crossing and that there are a number of constraints on the Adare WTP side of the road including Health and Safety challenges and risk to the existing Adare water supply.
- 8.5.11. UE considered the constraints on the northern side of the bridge and concluded that the crossing of the River Maigne utilising HDD at Plot 004 is the least constrained for a number of reasons including, *inter alia*, the presence of existing infrastructure, technical/engineering, health & safety, environmental, heritage and landowner reasons. UE also confirmed that the lands to the north of the bridge are in private ownership.
- 8.5.12. In relation to a map submitted by the objector, UE noted that there are inaccuracies on the route alignment shown on the objector's map and it does not reflect the proposed route. The objector refers to two road crossings and three right angles. UE outlined that the designed route incorporates the industry standard construction methodology for crossing rivers and the number of right angles incorporated in the design are standard for such a crossing.
- 8.5.13. UE outlined that the objectors requested route shows the water main connecting to the Adare Water Treatment Plant. The designers proposed route will carry the supply of water from Castletroy Newcastle Towers in Limerick to Adare Reservoir via the Croom Tie-in and the Water Treatment plant will be bypassed. The Water Treatment Plant will remain in operation during construction of the proposed watermain and will

continue to supply the Adare Network until the Adare Rationalisation project is commissioned.

- 8.5.14. In relation to the objector's concerns relating to risks as a result of the proposed trenchless crossing, UE outlined that Horizontal Directional Drilling (HDD) is an Industry standard technique to cross rivers, that the potential for frack out is considered to be absent as drilling will occur 4m below the bed of the River Maigne, and that pilot bores have been carried out on the southern side of the river and it has been observed that the ground conditions were found to be suitable for HDD. HDD was found to be the most appropriate method in view of technical and engineering requirements including health and safety.
- 8.5.15. UE outlined that crossing the river by installing the pipe in the bridge deck was considered and noted that the bridge is included on both the National Inventory of Architectural Heritage (NIAH) and Sites and Monuments Record (SMR). Site investigation discovered that there is insufficient cover to maintain the pipe size and concrete protection is required in cases of reduced cover. It is stated that this would not be in keeping with the existing architectural features of this historic bridge and there is also the concern that damage to the bridge may occur during construction. If damage were to occur, a road closure until completion of the repairs would be needed. Strapping the pipe to the side of the bridge introduces health and safety risks and any interaction with Castleroberts Bridge would need to be considered against the proposed route through agricultural land.
- 8.5.16. UE outlined that construction on the Adare WTP side of the river would encounter health and safety constraints associated with overhead electrical lines and a concern that damage to the existing water infrastructure could occur during construction. Construction on the side of the CPO in question does not involve any of the constraints highlighted and as such is stated to be demonstrably preferable.
- 8.5.17. Having regard to the submission of UE I do not consider that the objector's proposal is demonstrably preferable to the route chosen by UE. The chosen route results in the pipeline being primarily located along public roads, with relatively minor incursions into the currently undeveloped objector's lands for a permanent wayleave and temporary working areas.

- 8.5.18. While the chosen route alignment for the proposed pipeline will impact on the objector, I consider that the proposed route represents a reasonable and proportionate proposal to meet the identified community need. I further consider that a relatively robust route selection process was undertaken by UE, noting that they faced numerous constraints on the alternatives available due to issues such as the requirement to meet fixed tie-in points and the requirement to cross the River Mague.
- 8.5.19. Having reviewed the information submitted by UE, the objections made and having inspected the lands and conducted an Oral Hearing, I do not consider that there is a demonstrably preferable method of meeting the identified community need.
- 8.5.20. In conclusion, I consider that UE has established that none of the alternatives are such as to render the means chosen and the CPO made by UE unreasonable or disproportionate.
- 8.5.21. Having regard to the above, I consider that all viable and alternative route options, and related considerations, have been adequately explored by the Applicant. The proposed route, and areas required for land acquisition and/or works, represent the most reasonable means of achieving the project objectives, and it is my view that this would meet the identified community need. I consider that UE has demonstrated a reasonable consideration of the alternatives available and that the proposed route is the optimum one.
- 8.5.22. The Applicant has demonstrated that they have satisfactorily examined alternative methods of meeting the community need and I conclude that this particular part of the CPO test has been complied with.

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

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

- 8.6.2. I note that the CPO does not seek to acquire any residential dwellings and that the direct impact is mainly limited to land-take along the external boundaries of public roads and small tracts of farmland.
- 8.6.3. It is my opinion that any temporary interference experienced by the Objector during the construction phase, and the imposition of a permanent wayleave and right of way, would be proportionate to the delivery of the project and that this is being pursued in the interests of the common good. Having examined the documentation before me, including the deposit maps, and other materials of a technical standing, and having regard to the submissions by the Applicant and Objector, it is my opinion that the proposed scheme incorporates the minimum land-take necessary to achieve the required technical standard for the scheme.
- 8.6.4. In the light of this, I conclude that Uisce Éireann has demonstrated that the CPO would meet the relevant criteria for establishing that the proposed acquisition of land would be clearly justified and in the interest of the common good.

8.7. **Other Issues**

Availability of Information & Consultation

- 8.7.1. The objector raised concerns that information on the file was not available to the objector and the late receipt of information relating to the CPO and UEs response to the objection resulted in limited time for preparation for the hearing. In response UE confirmed that drawings and documents were available on the public file relating to the CPO.
- 8.7.2. During the OH proceedings, the objector raised concerns that there was a lack of knowledge in relation to the project in the local area. The Applicant responded by stating that all statutory requirements were adhered to in this regard including publication of a notice in a newspaper.
- 8.7.3. I am satisfied that the Applicant has demonstrated that the consultation stage of the project has been appropriately administered, including in relation to the required statutory notices.

Planning Status and NIS

- 8.7.4. The objectors raised the issue of Appropriate Assessment and the de-exemptions under article 9 of the Planning and Development Regulations 2001, as amended (the Regulations). The objector outlines concerns that an exemption under Class 58 of the Regulations was used to facilitate the construction of the works to avoid needing a planning application. It was stated that in order to facilitate using this exemption it was necessary to choose HDD to avoid impacting the Castleroberts Bridge and that the route north of the bridge was not chosen in order to avoid an ACA.
- 8.7.5. UE stated in their submission that their position is that the proposed pipeline would comprise exempted development under Class 58 of Schedule 2, Part 1 of the Regulations.
- 8.7.6. I note for the Commission that the planning consent process is separate to the CPO process. This application for confirmation of a CPO relates solely to the acquisition of interests in land and should the Commission confirm the CPO, this will not result in any form of consent for development and it is UE's responsibility to ensure that they obtain any necessary permissions or consents prior to undertaking the development which the CPO is intended to facilitate.
- 8.7.7. Concerns were also raised that the Appropriate Assessment screening report is not valid as the authors are not qualified to make a statement that HDD is suitable for local geological composition and is not conducive to frack out as there is no reference to a qualified geologist or geological field study. The objector stated that the AA Screening conclusion is partly based on this statement and the possibility of a frack out cannot be ruled out. If there is any doubt a Natura Impact Statement (NIS) is required and a NIS should have been produced.
- 8.7.8. In response UE stated that a robust AA screening and EIA screening were carried out and stage 2 assessments were not required and the project is not one which requires an EIAR.
- 8.7.9. I note that the information contained on the file provides clarity in relation to screening for Appropriate Assessment and I am satisfied that UE has submitted a robust assessment in this regard. I have no concerns as to the standard of assessment, the information contained therein or to the impact on European sites and I am satisfied that the suitability of the site has been demonstrated in this regard.

I also note that the need for a stage 2 Appropriate Assessment is separate to the CPO process. This application for confirmation of a CPO relates exclusively to the acquisition of interests in land and there is no scope to interrogate processes or assessments undertaken in relation to planning or environmental matters. I also note that it is the responsibility of the Applicant to ensure that they have obtained the necessary planning permissions and consents, prior to undertaking the development for which the CPO is intended to facilitate.

- 8.7.10. In conclusion, I am satisfied that UE has provided adequate details regarding the nature of the proposed works to allow the Commission to consider the merits, or otherwise, of the CPO, on the suitability of the site and of the community need that it would serve. I do not therefore consider that the issues raised in this regard places any restriction on the Commission from considering the application or from deciding to either approve or annul the proposed CPO.

Rehabilitation of Land Post Works / Use of Wayleaves

- 8.7.11. In relation to questions from the objector and the inspector at the Oral Hearing relating to boundary treatments and rehabilitation and use of the lands, UE confirmed that the boundary wall will need to be traversed so it will be taken down, stored and reinstated fully post works. The temporary and permanent wayleaves will be initially fenced off and stripped of topsoil and topsoil will be stored for reinstatement post works. The fencing will remain in place until the land has been reinstated after which the fence will be removed. This reinstatement relates to the temporary and permanent wayleave areas.
- 8.7.12. The objector questioned where and how the wayleave will be accessed and whether a gate will be installed. The Applicant responded that a secured access will be provided from the public road during the works and that there will be no permanent access to the wayleave, access will be where the wayleave is shown on the maps where it adjoins the public road. The Applicant confirmed that there will not be a gate there, once the land is reinstated any temporary gate will be removed and the wall will be reinstated. The objector stated a preference that UE will have their own access. UE clarified that there will not be a need to access this area on a regular basis as all valves and chambers will be on the public road so UE will have no need to enter the land for normal operation or maintenance. UE confirmed that it would

involve removing part of the wall again to gain access if plant or machinery required access for any reason and that the Objector has been sent a code of conduct in this regard outlining consultation that will happen with the landowner if access is needed as well as reinstatement and there is no requirement for routine access

8.7.13. The objector stated for the record that he would prefer the Applicant have a gate for their own access. In this regard I am satisfied that reinstatement of the boundary wall is an acceptable boundary treatment and that future access arrangements and reinstatement, if required, can be addressed as prescribed in the code of conduct.

Extent of Lands included in CPO

8.7.14. The objector queried why the roadbed and riverbed relating to his landholding have not been included in the CPO and sought clarification as to whether these interests are being acquired and whether the Order reflects the full extent of lands and interests required to facilitate the proposed development.

8.7.15. The Applicant responded by noting that the pipes go under the river bed, that there is not a requirement for a CPO beneath the river bed and that they are satisfied that the CPO reflects the appropriate amount of land on the objectors side and there is not a requirement for UE to seek to CPO land that is beneath the river bed. UE confirmed that under the relevant legislation UE is not required to CPO the roadway or engage with a landowner along the road in relation to lands beneath the road.

8.7.16. Having reviewed the documents and maps on the file I am satisfied that the CPO application relates to the relevant areas and is appropriate.

Other Issues

8.7.17. The objector raised a concern that the drawing provided on the CPO and what has actually happened on the ground does not correspond. I consider matters of compliance in relation to lands outside the area of the CPO are not relevant to the assessment of the CPO.

8.7.18. I conclude in relation to these points that the Commissions consideration of the matters raised in the written objection and oral hearing submissions is limited to the matter only of the appropriateness or otherwise of confirming the CPO.

8.8. Overall Conclusion

- 8.8.1. I am satisfied that the process and procedures undertaken by UE have been fair and reasonable, that UE has demonstrated the need for the lands and that all lands being acquired are both necessary and suitable to facilitate the Adare Rationalisation Project.
- 8.8.2. Having regard to the constitutional and convention protection afforded to property rights, I consider that the acquisition of permanent wayleaves and temporary construction rights and working areas as set out in the compulsory purchase order and on the deposited maps, pursues, and is rationally connected to, a legitimate objective in the public interest, namely to advance the Adare Rationalisation Project to address the treatment risks associated with the Adare supply and enable the removal of the Water Supply Zone from the EPA's remedial action list.
- 8.8.3. I am also satisfied that the acquiring authority has demonstrated that the means chosen to achieve that objective impair the property rights of affected landowners as little as possible; in this respect, I have considered alternative means of achieving the objective referred to in submission to the Commission, and am satisfied that the acquiring authority has established that none of the alternatives are such as to render the means chosen and the CPO made by UE unreasonable or disproportionate.
- 8.8.4. The effects of the CPO on the rights of affected landowners are proportionate to the objective being pursued. I am further satisfied that the proposed acquisition of these lands would be consistent with the policies and objectives of the Limerick Development Plan 2022-2028, and specifically objective IN O6 which supports the provision of water infrastructure and Objective IU 02 of the Adare Local Area Plan 2024-2030 which seeks to facilitate improvements to the existing water supply system to cater for the needs of an expanding population. Accordingly, I am satisfied that the confirmation of the CPO is clearly justified by the exigencies of the common good.

9.0 Recommendation

- 9.1.1. Having regard to the above, I conclude that:

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

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

10.0 Reasons and Considerations

10.1. Having considered the objection made to the compulsory purchase order, the purpose for which the lands are to be acquired as set out in the compulsory purchase order, which is to advance the Adare Rationalisation Project, and also having regard to the following:

- a) the constitutional and European Human Rights Convention protection afforded to property rights,
- b) the strategic importance of the scheme in the context of addressing the current situation whereby the existing Water Treatment Plant in Adare is approaching its end of life, and Uisce Eireann's wish to extend the water supply from Castletroy Newcastle Towers in Limerick to Adare Reservoir to address the treatment risks associated with the Adare supply and enable the removal of the Water Supply Zone from the EPA's remedial action list,
- c) the identified community need, public interest served and overall benefits to be achieved from the proposed development,
- d) the design response which has been appropriately tailored to the identified need,
- e) the suitability of the lands and the necessity of their acquisition to facilitate the Adare Rationalisation Project,

- f) the policies and objectives of the Limerick County Development Plan 2022-2028 and the Adare Local Area Plan 2024-2030, which are not materially contravened,
- g) the report and recommendation of the Inspector,

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

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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Bernadette Quinn
Planning Inspector

24th March 2026

Appendix A: Oral Hearing Proceedings

Background

An Oral Hearing (OH) was held on Wednesday, 18th February 2026, in relation to the proposed compulsory acquisition sought by Uisce Éireann (UÉ) for the advancement of the 'Adare Rationalisation' project in Castleroberts, Co. Limerick ('the Project'). The proceedings were held remotely at the offices of An Coimisiun 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)

- Alan Dodd, BL – *opening remarks, legal context and overview of the proposed CPO.*
- Laura Heneghan, Uisce Éireann Project Lead - *background to project, community need, existing situation, objectives of the plan*
- Paul Cloonan, TOBIN, Engineer – *Route selection*
- Sam Wallace, Uisce Éireann – *provision of Witness Statement (Planning), planning context and CPO's compliance with the relevant policy context, including the Carlow County Development Plan 2022-2028.*
- John Daly, Avison Young – *provision of Witness Statement (Communications), information in relation to land liaison issues and engagement with objector.*
- Áine Gilhooly, Uisce Éireann – *provision of Witness Statement (Administrative process).*

2. Submission by Objector

- John Dore, Agricultural and Environmental Consultant
- Bill Hutch, Hutch O'Malley Consulting Engineers
- Edward Houlihan, Landowner

3. Opening of Oral Hearing

- The Inspector (Bernadette Quinn) formally opened the hearing at 10.00am.
- 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 outlined the context for the CPO and that it relates to the Adare Rationalisation Project in Castleroberts, Co. Limerick. He also explained who would make submissions on behalf of UÉ, including Laura Heneghan, Paul Cloonan, TOBIN, Sam Wallace, John Daly, and Áine Gilhooly.

Ms. Laura Henihan

Key Issues Raised:

- The existing WTP has now reached its end of life, it has significant structural and process deficiencies which means it cannot reliably produce compliant drinking water and an EPA audit of the plant identified issues with the plant and as a result the scheme was placed on the remedial action list by the EPA in May 2024. The 4km rising main between the plant is also in very poor condition.
- The proposal includes 9km of new pipeline, the replacement of existing 4km of rising main to Adare Reservoir, and crossing of the river Maigne to facilitate the removal of the scheme from the EPA remedial action list.
- The objectives of the project were outlined which include the reduction in the risk of microbiological non-compliance, improved security of supply, elimination of known risks at the existing WTP and risk of interruption to supply and strategically align with the NWRP preferred approach of interconnecting Adare with the Limerick City & Environs Water Resources Zone.
- Referenced the completion of a route selection assessment which identified a preferred route for the project.

- Noted that the lands owned by Mr. Edward Houlihan are the subject of this CPO hearing and these lands are specifically required in order to construct a pipeline under the river Maigue.
- Referred to the objectors requested alternative route crossing the River Maigue on the opposite side of the road to his lands. The Adare Rationalisation Route Selection Report comprehensively assessed possible pipeline corridors. It is clear that the River Maigue would have to be crossed at some point. The crossing of the River Maigue utilising Horizontal Directional Drilling at Plot 004 is the least constrained for a number of reasons including, *inter alia*, the presence of existing infrastructure, technical/engineering, health & safety, environmental, heritage and landowner reasons.
- In relation to the environmental concerns raised, AA screening has been completed for the project and following comprehensive assessment there are no significant effects on Special Areas of Conservation/Special Protected Areas. It was outlined that the proposed HDD construction methodology avoids instream works. All environmental surveys were completed and underpin the planning report.
- On completion of construction, it is the intention to decommission the Adare WTP and intake as part of the project and this will ensure there will be no risk to the water supply.
- In relation to concerns on lack of local awareness of the project, it was outlined that UE held an elected Representative Briefing in September 2025 detailing the need for the proposed project, the project area and route with indicative timelines for delivery. This was then issued to all elected representatives and local press/media outlets. The CPO statutory process requires newspaper publication and individual service; road signage is not part of the legal requirements.

Paul Cloonan

Key Issues Raised:

- Outlined the need for a permanent wayleave and temporary construction wayleaves to facilitate construction of the trunk main on private lands.
- Outlined the project scope and the approach taken as part of the site and route selection assessment (see Section 8.6 above).
- Outlined discrepancies between the understanding of the route based on the objector's map and the actual proposed route. The objector's requested route on the opposite side of the public road does not reflect the proposed route of the designer. The designed route is within the public road and enters private land either side of the river crossing and the length of the proposed route shown by the objector does not reflect the temporary working area to accommodate the pipe string.
- Outlined that UE is fully aware of the location of the intake from the river where a pipeline exists back to the treatment plant. The risks associated with locating the pipeline on the opposite side of the river were outlined.
- The screening for AA addresses the environmental concerns by the objector.
- The objector refers to two road crossings and three right angles. The designed route incorporates the industry standard construction methodology for crossing rivers. The number of right angles incorporated in the design are standard for such a crossing.
- The proposed route follows the public roadway for the entirety of the project, except at the river crossing. Construction works within the public road are included in the project scope. Therefore, the objector's reference to the number of road crossings is incorrect and not valid.
- The objectors requested route shows the water main connecting to the Adare Water Treatment Plant, the proposed route will carry the supply of water from the Croom Tie-in to Adare Reservoir, the Water Treatment plant will be bypassed.
- The proposed route location is the optimum engineering solution for the river crossing. There are a number of constraints on the Adare WTP side of the road including Health and Safety challenges and risk to the existing Adare water supply.

- There is no current planning application submitted for a development at this location. A proposed dwelling can be located within the site and also the area is at risk of flooding as shown on flood extent maps.
- Regarding the concern to the objectors side of the bank being more ecologically Sensitive the AA Screening report addresses this noting that no direct impacts on QI species are predicted.
- Regarding concerns in relation to mature trees on the objectors side of the river, the proposed pipe will be drilled in the open space away from the mature trees.
- In relation to risks as a result of the proposed trenchless crossing, Horizontal Directional Drilling (HDD) is an Industry standard technique to cross rivers.
- The potential for frack out is considered to be absent as drilling will occur 4m below the bed of the River Maigue. Pilot bores have determined that the ground conditions and soil composition is suitable for HDD.
- Constraints to crossing the river by installing the pipe in the bridge deck were outlined
- Assessment of Potential for impacts on qualifying interests of the lower River Shannon SAC are addressed within the AA Screening Report for the project which finds that there will be no direct impacts on the Lower River Shannon SAC and there will be no habitat loss or fragmentation as a result of the proposed development.

Sam Wallace

Key Issues Raised:

- Following completion of the construction works, the land will be reinstated, and it will not preclude the continued agricultural use of the lands.
- In relation to the potential use of lands for a future residential dwelling, no planning application has been submitted in respect of the lands for development and planning constraints to development potential were outlined and that the temporary works and permanent wayleave would not preclude the development of a residential dwelling in this field.

- An AA Screening concluded the proposed development is not likely to have any significant effects on any of the European sites and that no mitigation is required in order to protect the Qualifying Interests of the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA. Therefore, it is recommended that Appropriate Assessment is not required.
- An EIA Screening Report was prepared and the project does not require an EIAR to be carried out.
- The route of the proposed water main is located primarily within the local road network. In order to avoid potential negative impacts to the historic Castleroberts Bridge, a small portion of the route is located within agricultural lands. Upon completion of the construction works, these lands will be reinstated and the lands can continue to be used for agricultural purposes.
- Outlined compliance with national, regional, and county planning policy.

At this stage of the Oral Hearing it was noted that the evidence of John Daly relating to engagement with the landowner and the landowner's experts in relation to the project and Aine Gilhooly relating to a summary of UE's CPO Process and engagement that took place with the landowner could be taken as read and that both Mr. Daly and Ms, Gilhooly were available for questions if the objector had any queries relating to these matters.

5. Submission by Objector, elaborating on written submissions

John Dore

Key Issues Raised:

- Referred to the late receipt of critical information received 9 days in advance of the hearing and UEs response to the objection the day before the hearing.
- Outlined the nature of the objector's use of the land for agricultural purposes
- The objector's roadbed and riverbed have not been included in the CPO and clarification is required as to whether these interests are being acquired. This raises a question as to whether the Order reflects the full extent of lands and interests required to facilitate the proposed development.

- The proposal to seek permission for construction of a dwelling for the objector's son was outlined and the proposed wayleave would significantly compromise that opportunity.
- The objector cannot understand why the proposed pipeline cannot be located on the opposite side of the road where UE's existing operations are already situated and where the new approach pipework for a proposed river crossing has already been installed or alternatively confined to the public road and positioned beneath or attached to the bridge.
- It is requested that ACP declines to confirm the CPO in its current form and instead requires relocation to the other side of the road or within the public roadway. This approach would achieve the objectives of the scheme without unnecessary interference with the objectors holding.

In response to UE's response to the objector's concerns, the objector notes the following:

- The objector did not receive documentation or drawings at the time the CPO was issued save for the CPO map until 09/02/2026.
- The drawing on the CPO planning report received does not match the works that have already been conducted. The pipeline is constructed on the opposite side of the objector's landholding. The pipe is on the objector's side of the road in the drawing and there are no road crossings visible. The drawing provided on the CPO does not correspond with what has actually happened on the ground.
- In relation to the route selection report, it is not clear when, why and how the route of the river crossing was selected. A suggested alternative crossing for the opposite side of the road to the objector's landholding is provided which is a mirror image of the proposed pipeline on the objector's side of the road where the trenchless technology can eliminate the risks raised by UE.
- The AA screening report is not valid as there is no reference to a qualified geologist or geological field study to support the statement that HDD is suitable for local geological composition and is not conducive to frack out. The AA Screening conclusion is partly based on this statement and the

possibility of a frack out cannot be ruled out. If there is any doubt a NIS is required and a NIS should have been produced.

- The majority of other activity is on the objector's side of the road with 7 other activities in close proximity to where the pipe is going whereas on the opposite side of the road there are 2 activities which are far apart.
- Original OSI maps for the area show a riparian grove area on the objector's side of the river where the pipe is proposed.
- The objector's side of the road is far more archaeologically sensitive with the proposed crossing located between two listed structures – Castleroberts bridge and a castle at the centre of the objector's landholding. The ruined Castleroberts church may also be in close proximity to where the proposed pipe is crossing.
- The old entrance to the castle crosses the proposed CPO lands where the pipe is proposed to be located.
- Reference is made to the planning inspectors report in relation to the N21 bypass which states that the significance of impact on the Castleroberts field system was assessed as moderate and this is further evidence of archaeological sensitivity on the objectors holding.
- Locals did not appear to be aware of the proposed river crossing.

Mr Bill Hutch (Hutch O'Malley Consulting Engineers)

Key Issues Raised:

- There is no robust assessment of why the proposed location was chosen. The route chosen by UE was the only real option available as it was on country roads, connecting to an existing main and bringing it to a water tower and followed the route of the current intake plant.
- The exemption under Class 58 was used to facilitate the construction of the works to avoid needing a planning application. In order to facilitate using this exemption it was necessary to choose HDD to avoid impacting the protected structure. The north of the bridge was not chosen in order to avoid an ACA.

- The ACA prevents development to the north of the bridge and is restricted for development therefore this is a more appropriate location for the pipe as the north side of the bridge affects nobody. In relation to health and safety it is possible to work away from the electricity lines and overcome the issues raised in this regard.
- The argument that the existing intake pipe is a constraint is not valid.
- It is questioned what happens if rocks are hit when bore holding.
- Route selection and cost analysis have not been seen. The route was chosen to be able to use the exemption under Class 58.
- The residential site can be located away from the flood zone and percolation does not appear to be an issue based on other site suitability assessments carried out in the area.

Ned Houlihan:

Key Issues Raised:

- UE advised the objector that if they went to the north side of the river the suction line from the river to the treatment plant would be an issue as it is unknown where it is located and an issue would arise if the works hit the treatment plant.
- UE confirmed that the objector's side of the river was selected for technical reasons but UE did not confirm what these issues are. It was stated that it was also selected based on cost.
- Locals cannot understand why this side of the river was chosen.
- The landowner has a private well and does not require the water supply.
- The landowner requested more information during 2025 and this information was only provided 9 days before the OH and further information provided the day before the OH.
- The objector's son is preparing to make the planning application to build a house. The landowner is the best person to determine the best location on the landholding for a residential site.

6. Response from UE

- The overriding consideration was to avoid going through public lands unless absolutely necessary.
- In relation to objectors concerns that part of the roadway is being acquired, S.41 of the Water Services Act allows UE to carry out works under the road without inclusion of these areas in the CPO.
- In relation to absence of documentation, drawings and documents were available on the public file.
- A robust AA screening and EIA screening were carried out and stage 2 assessments were not required and the project is not one which requires an EIAR.
- UE considered the constraints on the northern side of the bridge; it is not demonstrably preferable as there are constraints which do not exist on the objector's lands.
- In relation to lack of local knowledge, all statutory requirements were adhered to in this regard including publication of a notice in a newspaper.
- The Route Selection Report considered archaeological constraints and it was found that there is unlikely to be any impact on built heritage.
- HDD was found to be the most appropriate method in view of technical and engineering requirements including health and safety.
- UE has taken the least amount of land necessary and has not sought to permanently acquire lands.

7. Questioning between parties

- The objector was 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 8).

- I note also that this part of the Oral Hearing is available on the digital recording of the OH proceedings.

8. Closing Comments

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

Mr. Dore, on behalf of the Objector

- The objector is unsatisfied with how the matter was handled and the availability of information meaning the objector was not as well prepared for the hearing.
- It is requested that the inspector and ACP recommend not to confirm the CPO.

Mr. Dodd, on behalf of the Applicant

- UE has satisfied the test that is necessary for the purpose of confirmation of the CPO.
- No suggestion has been raised by the objector that there is not a community need.
- The acquisition of the lands are suitable where UE has sought to use the public road and this is the most appropriate location for the river crossing.
- The proposal does not materially contravene a plan.
- Alternatives have been considered as set out and the objections with respect to the use of the land to the north have been addressed.
- The extent of land take is proportionate.
- UE has provided sufficient evidence that any alternative routes are not demonstrably preferable.

The inspector closed the hearing at 12:30pm.