



An
Coimisiún
Pleanála

ABP-322447-25

Inspector's Report

Development	Water Supply Project Eastern and Midlands Region
Location	Various locations between Parteen Basin, Co. Tipperary and Peamount, Co. Dublin
Applicant(s)	Uisce Éireann
Planning Authorities	Clare County Council, Kildare County Council, Limerick City and County Council, Offaly County Council, Tipperary County Council and South Dublin County Council
Type of Application	Pre-application Consultation under S37CC of the Planning and Development Act, 2000, as amended for opinion on Design Flexibility
Inspector	Barry O'Donnell

1.0 Introduction

- 1.1 This report relates to pre-application discussions held with Uisce Eireann in respect of a water abstraction and supply project, known as the Water Supply Project Eastern and Midlands Region, in relation to the prospective applicant's request for an Opinion on Flexibility from the Commission. The pre-consultation request was received by the Commission on 2nd May 2025.
- 1.2 This report describes the location and nature of the proposed development, the nature and extent of the flexibility requested, and the legal provisions which are relevant to the Commission's consideration of flexibility for the proposed development.
- 1.3 The Commission's representatives met with the prospective applicant on one occasion in relation to the requested Opinion on Flexibility. The presentation provided by the prospective applicant and written record of this meeting are on the file. This report should be read in conjunction with the written record on file of the design flexibility consultation meeting held with the prospective applicant.
- 1.4 The Commission's representatives have also met with the prospective applicant on multiple occasions and over a number of years in relation to the proposed development, under Section 37B of the Act. The presentations provided by the prospective applicant and written records of these meetings are contained in the file pertaining to Ref. 29N.PC0124.
- 1.5 It should be noted that following the commencement of Part 17 of the Planning and Development Act 2024, An Bord Pleanála is now known as An Coimisiún Pleanála. References within this report to 'the Board' should now be interpreted as references to the Commission.

2.0 Site and Description

- 2.1 The proposed development comprises an extensive linear route, between Parteen Basin, Co. Tipperary and Peamount, Co. Dublin. It includes a number of infrastructure sites at the following locations:

- Parteen Basin, Garrynatineel, Co. Tipperary,
- Inchabeg, Birdhill, Co. Tipperary,
- Knockanacree, Cloughjordan, Co. Tipperary,
- Coagh Upper, Birr, Co. Offaly,
- Commons Upper, Co. Kildare,
- Peamount, Co. Dublin.

2.2 The route alignment passes primarily through open countryside and interacts mainly with farmland as it routes from the raw water intake to the termination point reservoir. The prospective applicant advises that the route crosses approximately 500 agricultural landholdings. The route also involves a large number of road and open water crossings and also involves routeing through peat landscapes in counties Offaly and Kildare.

2.3 Refer to section 2.0 of 29N.PC0124 for a description of the infrastructure sites.

3.0 Proposed Development

3.1 The proposed Water Supply Project Eastern and Midlands Region involves abstraction of raw water from Parteen Basin on the lower River Shannon and its subsequent treatment and transfer via a c.172km underground pipeline to Peamount, Co. Dublin for use as part of the public water supply. The development includes a number of associated elements of water supply infrastructure that will collectively extend from Parteen Basin, through the Midlands, to Peamount. The main elements of the project comprise: -

- Raw Water Intake and Pumping Station on the eastern shore of Parteen Basin, County Tipperary, with abstracted water pumped to a Water Treatment Plant (WTP) near Birdhill, County Tipperary. The RWI is designed to abstract a max. of 300Mld of raw water from the River Shannon.
 - This RWI site will include microfiltration buildings, which will measure approx. 11m above ground level and approx. 31m long x 38m wide.
 - The WTP site will include 3 No. water treatment module buildings, each measuring approx. 141m long x 59m wide, and 13.6m tall sludge silos.

- Approx 170km of 1.6m diameter steel pipeline from the WTP to Peamount, Co. Dublin, comprised of: -
 - A treated water pipeline approx. 37km long, from the WTP to a Break Pressure Tank (BPT) near Cloughjordan, Co. Tipperary.
 - The BPT itself will measure 80m long x 50m wide and the site will also include a control building that is approx. 7m tall and 40m long x 20m wide.
 - A treated water pipeline approx. 133km long from the BPT and routing through counties Tipperary, Offaly and Kildare to the Termination Point Reservoir (75ml capacity) at Peamount, Co. Dublin.
- A Booster Pumping Station (BPS) at Coagh Upper, Birr, Co. Offaly, a Flow Control Valve (FCV) at Commons Upper, Co. Kildare, valves and other ancillary apparatus along the length of the pipeline.
 - The BPS is required for operation in circumstances where the demand for water increases above 170mld and where additional pumping is required. The BPS building will be approx. 8m high (with a basement below) and approx. 60m long x 36m wide.
 - The FCV consists of 3 No. below ground valves and a small above ground facility.
- The TPR comprises a rectangular, steel tank with a capacity of 75mld. It will be permanently covered over and surrounded by an embankment. The top of the reservoir will be 11.2m above finished ground level and will measure approx. 90m long x 40m wide. The accompanying documents state that the proposed and existing tanks will be linked, so as to form one larger storage facility.

3.2 Additional elements include: -

- Power connections to infrastructure sites and line valves, including upgrading the 38kV overhead line between Ardnacrusha and Birdhill to provide power to the raw water intake and water treatment plant sites.
- Provision of take-off points at strategic locations to facilitate potential future connections to supply communities in the water supply area (Note that

connecting pipelines and associated infrastructure will be delivered separately and will be subject to their own separate consents).

4.0 Request for an Opinion on Flexibility

4.1 Context

4.2 The prospective applicant entered into pre-application discussions with the Commission under 29N.PC0124 in 2011, in relation to a proposed development known as the Water Supply Project Eastern and Midlands Region. A series of meetings have taken place in the period since submission of the pre-application consultation and the proposed development has evolved.

4.3 Design flexibility has been provided for, under Section 37CC of the Act, in the case of development types specified in the Seventh Schedule (Strategic Infrastructure Developments) and, in this context, the prospective applicant has submitted a request to the Commission for an Opinion on Flexibility in respect of the development, relative to a series of options and parameters that may be provided later for the Commission's approval.

4.4 The prospective applicant's request was received on 2nd May 2025 and included relevant information set out in Section 37CC(2) of the Act, in order to assist the Commission in forming its opinion including: -

- Name and address of the prospective applicant,
- A site location map,
- A description of the nature and purpose of the proposed development and its possible effects on the environment,
- A draft layout of the proposed development,
- Details of the development that are considered unlikely to be confirmed at application stage and the need for flexibility.

4.5 The Request Details

4.6 The design flexibility request was accompanied by a letter prepared by Tom Phillips + Associates Planning Consultants, which describes the proposed development

and the flexibility sought, and a set of section drawings that relate to the pipeline alignment as it routes to the termination point at Peamount, Co. Dublin. The flexibility request is summarised below.

4.7 Horizontal Alignment of Pipeline Construction

4.8 The prospective applicant seeks flexibility to install the pipeline anywhere within the temporary construction working area. The temporary working area measures 50m for the majority of the route but is wider at a number of locations.

4.9 Pipeline connections between washout valves and washout outfalls (including headwall/discharge point) will have a maximum limit of deviation of 10m, dictated by the required permanent wayleave.

4.10 Vertical Alignment of Pipeline Construction

4.11 The pipeline would be laid at a minimum depth of cover of 1.2m and a maximum depth of 6m (depth to crown of pipe will therefore be between 1.2m-4.4m).

4.12 Where peat is encountered, the maximum depth of excavation has been constrained to 4m as far as reasonably practicable.

4.13 At trenchless crossings the depth of cover will exceed the specified depths, as required by local conditions/constraints.

4.14 Assessment of Effects

4.15 The prospective applicant proposes to undertake a worst-case assessment, within the defined site boundaries of the project and submits that this will enable a proper assessment of likely environmental effects.

5.0 Consultation Meeting

5.1 1 No. meeting was held with the prospective applicant, on 20th May 2025. The presentation to the meeting is included in the file together with other information provided to the Commission in respect of same. The record of the meeting is also contained in the file. Issues raised at the meeting are identified and considered in the following sections.

6.0 Legislative Context

6.1 Planning and Development, Maritime and Valuation (Amendment) Act 2022

6.2 This Act, in recognition that certain applications require a degree of flexibility, introduced amendments to the Planning and Development Act, 2000, as amended to facilitate procedures that will enable planning authorities and the Commission to consider design flexibility as part of the assessment of planning applications.

6.3 Of relevance to this pre-application submission, it introduced Sections 37CC and 37CD of the Act of 2000, which are discussed in detail below.

6.4 Planning and Development Act, 2000, as amended

6.5 Section 37CC(1) of the Act states that a person who proposes to apply for permission for any development specified in the Seventh Schedule may request a meeting with the Commission for the purposes of Section 37CD, as part of consultations.

6.6 Section 37CC(2) specifies that a request shall be accompanied by a fee, details of the prospective applicant's address, site location and site layout drawings and a description of the development. Importantly, it also specifies that the submission should include: -

"a description of—

i) the details, or groups of details, of the proposed development that, owing to the circumstances set out in subparagraph (ii), are unlikely to be confirmed at the time of the proposed application, and

(ii) the circumstances relating to the proposed development, including such circumstances as the Minister may prescribe in relation to any class or description of development for the purposes of this subparagraph, that indicate that it is appropriate that the proposed application be made and decided, before the prospective applicant has confirmed the details referred to in subparagraph (i) including, in particular, whether the prospective applicant may be able to avail of technology available after making the proposed application that is more effective or more efficient than that available at the time of the application".

And

“an undertaking to provide with the proposed application, either—

(i) two or more options, in respect of each detail or group of details referred to in paragraph (e)(i), containing information on the basis of which the proposed application may be made and decided,

(ii) parameters within which each detail referred to in paragraph (e)(i) will fall and on the basis of which the proposed application may be made and decided,
or

(iii) a combination of subparagraphs (i) and (ii)”.

6.7 Section 37CD (1) of the Act states that the Commission shall determine if it is satisfied that it is appropriate that the proposed application be made and decided before the prospective applicant has confirmed certain details of the application.

6.8 Section 37D (4) of the Act states, regarding the issuing of such an opinion, that: -

“The provision of an opinion under this section shall not prejudice the performance by the Board of any other of its functions under this Act or regulations under this Act and cannot be relied upon in the formal planning process or in legal proceedings.”

6.9 Circular Letter PL11/2023 – New Design Flexibility Provisions with regard to certain unconfirmed details as part of application for planning permission

6.10 Circular Letter PL11/2023, dated 21st December 2023, refers to the opinion on flexibility which developers may wish to avail of and notes that applicants may wish to seek permission before certain details of the proposed development are confirmed. In identifying the examples of precise blade tip heights or the precise grid connection point associated with a wind farm development, the Letter states that the process is not intended to apply to points of detail generally dealt with by way of compliance condition and agreed between the applicant and the Commission post-consent.

6.11 The document states that the applicant must set out the circumstances why it would be appropriate for the proposed application to be made and decided before the

details are confirmed. It provides that a separate meeting may take place to discuss the flexibility request as part of the existing pre-application arrangements. It also states that existing consultations which may take place in advance of the flexible meeting request may concern the scope of details not likely to be confirmed at application stage and likely to be subject to a request for an opinion on unconfirmed details.

7.0 Relevant History Files

7.1 **PC29N.PC0124:** This longstanding pre-application consultation, lodged on 12th August 2011, relates to the Water Supply Project Eastern and Midlands Region (known at the time of submission as the Water Supply Project for the Dublin Region) and is concurrent with the subject design flexibility pre-application consultation.

8.0 Consideration of Request

8.1 Context

8.2 The request for a meeting with respect to seeking an Opinion on Flexibility was made under Section 37CC of the Act and details of the accompanying documentation are summarised in section 4 above.

8.3 The submission contained the following information:

- a. The details, or groups of details, of the proposed development that may be confirmed after the proposed application has been made and decided.
- b. The circumstances relating to the proposed development that indicate that it is appropriate that the proposed application be made and decided before the prospective applicant has confirmed the details referred to in (a) above.

8.4 Consideration of request:

8.5 The applicant is seeking flexibility regarding the horizontal and vertical alignment of the proposed pipeline, between its starting point at Parteen Basin and its termination point at Peamount. This flexibility, described by the prospective

applicant as limits of deviation, includes associated pipeline connections between washout valves and washout outfalls.

8.6 The flexibility request can be summarised as follows: -

- **Horizontal deviation:** Flexibility is sought to install the pipeline anywhere within the temporary construction working area, which primarily measures 50m wide but which is wider at a number of locations.
- **Vertical deviation:** Flexibility is sought to install the pipeline at a depth between 1.2m-4.4m, to the crown of the pipe. In peat, the maximum depth of installation will be reduced to 4m as far as reasonably practicable. At trenchless crossings the depth of cover will exceed the specified depths, as required by local conditions/constraints.

8.7 The prospective applicant's supporting submission states that, despite extensive surveying and ground investigations, given the nature and scale of the project it is inevitable that certain obstacles or constraints will arise during construction that may affect the preferred route of the pipeline.

8.8 Having considered the legislation as it applies to the proposed development, I note that Section 37CC(2)(e)(ii) of the Act, in requiring a prospective applicant to outline the circumstances that justify a proposed flexibility request, makes specific reference to the potential for technological advancement at some point in the future. This is to be viewed as an example of the type of circumstances that may be advanced and I note that there is no restriction on consideration of other circumstances that may be advanced. I am therefore satisfied that the proposed request can be considered under the terms of Section 37CC.

8.9 In view of the c.172km length of the route and the varied soil/ground conditions through which the route passes, there can be a reasonable expectancy of a need for some flexibility over the exact alignment, to take account of the potential for encountering unidentified obstacles or constraints during construction. I therefore consider a request for horizontal and vertical flexibility may be reasonable in this instance.

- 8.10 With respect to the vertical flexibility request, the applicant states that the engineered rise and fall of the pipeline along its length would generally follow the existing ground profile to limit depths of excavation. A maximum depth of installation of 6m is specified, except for trenchless crossings, where the depth of cover will be dictated by local conditions. The applicant's approach is established practice for developments such as this and I am of the opinion that it falls under the term 'normal construction practice'.
- 8.11 Normal construction practice is an issue that has been considered by the Commission on a number of design flexibility requests relating to proposed offshore wind farms (examples include ABP-318588-23, ABP-316332-23 and ABP-318274-23) and the Commission has consistently determined that elements considered to relate to 'normal construction practice' should be set out and assessed within the application documentation.
- 8.12 Circular PL11 2023 also specifies that the process is not intended to apply to points of detail generally dealt with by way of compliance condition and agreed between the applicant and the planning authority or the Board post-consent.
- 8.13 Regarding the horizontal flexibility request, in view of the extent of flexibility sought, I do not consider the request falls under 'normal construction practice' and the request requires further consideration.
- 8.14 Having given consideration to the supporting information provided as part of the request and having also discussed the request extensively at the pre-application meeting, I am of the view that the request for substantial horizontal flexibility has not been justified. No details of the nature and extent of ground investigations/surveys undertaken has been provided and the applicant has not provided any example locations where a limit of deviation of the order requested is warranted and directly linked to a known constraint. I consider the horizontal flexibility sought is substantial for a pipe of 1.6m diameter and, in view of the c.172km length of the pipeline, I consider the provision of such details are critical to consideration of the prospective applicant's request. Although discussed at length at the pre-application meeting, the issue was not clarified beyond the original written submission prepared by Tom Phillips + Associates.

8.15 A further issue to be considered is the impact of the proposed design flexibility on a future planning application, which will involve proposed compulsory purchase powers. It can be seen from the drawings provided with the design flexibility request that application of the proposed 50m wide horizontal limit of deviation may result in the pipeline routing through additional/alternative land parcels and this may result in additional lands being subject to proposed CPO. This is likely to lead to uncertainty amongst the public and/or affected landowners as to what the proposed development comprises and as to the extent of proposed compulsory purchase.

9.0 Conclusion

- 9.1 Following the completion of the Section 37CC meeting on 20th May 2025, having regard to the information provided by the prospective applicant as part of the request for design flexibility, and based on my consideration of the request received, I conclude that the prospective applicant has not demonstrated circumstances that justify a request for design flexibility in relation to the horizontal alignment of the proposed pipeline.
- 9.2 I conclude that the vertical alignment flexibility request falls under the term 'normal construction practice' and should be set out and assessed within the application documentation.

10.0 Recommendation

- 10.1 I recommend that the prospective applicant be notified that the Commission is not satisfied that the proposed application may be made and decided before certain details of the application are confirmed, in accordance with the following draft notification.
- 10.2 Draft Notification

(1) Request for meeting

Request under section 37CC of the Act:	Request for Design Flexibility in relation to the Water Supply Project Eastern and Midlands Region
Request reference Number:	ABP-322447-25
Name of the requestor/ prospective applicant:	Uisce Eireann
Location, townland or postal address of the land or structure to which the application relates (as may be appropriate):	Various locations between Parteen Basin, Co. Tipperary and Peamount, Co. Dublin.
Nature and extent of the proposed development:	Water abstraction project, for use as part of public supply
Date of receipt of the request:	2 nd May 2025
Opinion Reference Number:	ABP-322447-25
Date of Opinion:	

(2) Was the following Information included where relevant, with the Flexibility Meeting Request under section 37CC of the Planning and

**Development Act 2000, as amended and the Planning and
Development Regulations 2001, as amended.**

Information	Enclosed with Request		
(a) A site location map sufficient to identify the maritime area/land on which the proposed development would be situated.	Yes: [x]	No: []	
(b) A brief description of the nature and purpose of the proposed development and of its possible effects on the environment.	Yes: [x]	No: []	
(c) A draft layout plan of the proposed development.	Yes: [x]	No: []	
(d) A description of the details, or groups of details, of the proposed development that, owing to the circumstances set out in (e) below, are unlikely to be confirmed at the time of the proposed application.	Yes: [x]	No: []	
(e) A description of the circumstances relating to the proposed development that indicate that it is appropriate that the proposed application be made and decided, before the prospective applicant has confirmed the details referred to in (d) above.	Yes: [x]	No: []	
(f) An undertaking to provide with the proposed application, either -	Yes: [x]	No: []	

<p>i. two or more options, in respect of each detail or group of details referred to in (d) above containing information on the basis of which the proposed application may be made and decided,</p> <p>ii. parameters within which each detail referred to in paragraph (d) above will fall and on the basis of which the proposed application may be made and decided, or</p> <p>iii. a combination of (i) and (ii).</p>			
(g) Such other information, drawings or representations as the prospective applicant may wish to provide or make available.	Yes: [x]	No: []	N/A: []
(h) The appropriate fee.	Yes: [x]	No: []	

<p>(3) Opinion of the Board under section 37CD of the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended.</p>	
<p>Information</p>	<p>Details/ Circumstances</p>

<p>a) The details, or groups of details, of the proposed development that may be confirmed after the proposed application has been made and decided.</p>	<p>Horizontal and vertical flexibility regarding the installation of an underground pipeline and associated elements.</p>
<p>b) The circumstances relating to the proposed development that indicate that it is appropriate that the proposed application be made and decided before the prospective applicant has confirmed the details referred to in paragraph (a) above.</p>	<p>Notwithstanding extensive ground investigations undertaken, it is inevitable that certain obstacles or constraints will arise during construction that may affect the preferred route of the pipeline</p>

The Commission has considered the request for design flexibility, received under Section 37CC of the Planning and Development Act 2000, as amended.

Regarding the horizontal alignment flexibility request, the Commission considers the prospective applicant has not demonstrated circumstances that justify a request for such design flexibility. Accordingly, the Commission is not satisfied that there are circumstances relating to the proposed development that indicate that it is appropriate that the proposed application be made and decided before these details are confirmed.

Regarding the vertical alignment flexibility request, the Commission considers the prospective applicant's request comprises normal construction practice that is intrinsic to the installation of the proposed development.

Options that may not be clarified at the application stage should be set out and assessed in the application documentation (including the Environmental Impact Assessment Report and Natura Impact Statement) and in the event of a favourable decision on the application, construction related methodologies could be agreed prior to commencement of development, by way of compliance with a planning condition.

11.0 PROFESSIONAL DECLARATION

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



Barry O'Donnell

Senior Planning Inspector

30th October 2025.