

AN COIMISIÚN PLEANÁLA

**UISCE ÉIREANN COMPULSORY PURCHASE
(KILKEE WASTEWATER TREATMENT PLANT) ORDER, 2025
AN COIMISIÚN PLEANÁLA REF. NO. 322828-25**

BOOKLET OF DOCUMENTATION



ByrneWallace
88 Harcourt Street
Dublin 2

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[illegible]

Director/Authorized Signatory

Date	29	Day of	May	20	20
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Country No.	
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10

100

DATE _____

PAGE _____

SHEET NO. _____

UNIT NO. _____

THE

100

03rd August 2023

Billy Purcell
c/o Brideford Properties Limited
27 Fortfield,
Raheen,
County Limerick
V94 EF4E

Uisce Éireann
Bosca OP 6000
Baile Átha Cliath 1
D01 WA07
Éire

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Dublin 1
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RE: Project Number & Name: 10015237_Kilkee Wastewater Treatment Plant Scheme
Plot No: 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014
Landowner: Brideford Properties Limited

Dear Sir/Madam,

I am writing to you in connection with the proposed 10015237_Kilkee Wastewater Treatment Plant Scheme of which you are aware. Uisce Éireann working in partnership with Clare County Council is proposing the construction of a new wastewater treatment plant for the town of Kilkee, including the construction of a new foul pumping station and associated pipelines to transfer flows from the new pumping station to the proposed wastewater treatment plant site. The proposed works also includes the provision of new treated effluent rising mains to transfer treated effluent from the new wastewater treatment plant to the existing outfall.

The proposed scheme will affect lands which we understand are in your ownership and Uisce Éireann therefore seeks a Wayleave, Permanent Right of Way, Temporary Working Area and Acquisition in respect of the proposed nature of interest from you for purpose of the Wayleave, Permanent Right of Way, Temporary Working Area and Acquisition. Please find the following documentation enclosed for your information:-

- **Drawing** (Drawing No. IW/10015237/ACQ/0002) showing the route of the Wayleave and Right of Way through your land and the Temporary Working Area and Acquisition on your land.
- **Wayleave Option Agreement**, in duplicate, which Uisce Éireann will enter into with you in the event of satisfactory proof of title and negotiation of the wayleave compensation, once a figure is agreed before the deadline date noted below this can be inserted into the option agreement. [IW-AD-ES-LW-FM-02]
- **Landowner/ Occupier/Tenant Form**, which must be completed by the current occupier of the land and returned with the Wayleave Option Agreement [IW-AD-ES-LW-FM-06]
- Our **Code of Practice** (which is incorporated into the Deed of Wayleave and Easement) setting out the undertakings and other arrangements which Uisce Éireann is prepared to enter into in

return for your agreement to grant the wayleave, acquisition and any required working facilities on a voluntary basis. [IW-AD-ES-LW-FM-33]

- **Draft of IDD Deed of Wayleave and Easement**, as referred to in the Wayleave and Right of Way Option Agreements which will be executed by both parties, and which will be entered into within a reasonable period after the issue of all Statutory Consents for the Scheme including Planning Permission (if applicable) and the exercise of the option by Uisce Éireann. [IW-AD-ES-LW-FM-01]
- **Land Acquisition Agreement**, in duplicate, which Uisce Éireann will enter into with you in the event of satisfactory proof of title and negotiation of compensation, once a figure is agreed before the deadline date noted below this can be inserted into the agreement. [IW-AD-ES-LW-FM-04]
- **Draft Deed of Transfer** (PRA Form 19/Form 21 as applicable) as referred to in the Land Acquisition Agreement which will be executed by both parties and which will be entered into within a reasonable period after the issue of all Statutory Consents for the Scheme including Planning Permission (if applicable) and the exercise of the option by Uisce Éireann. [IW-AD-ES-LW-FM-07]
- **Right of Way Option Agreement**, in duplicate, which Uisce Éireann will enter into with you in the event of satisfactory proof of title and negotiation of the right of way compensation, once a figure is agreed before the deadline date noted below this can be inserted into the option agreement. [IW-AD-ES-LW-FM-32]
- **Temporary Working Area Option Agreement**, in duplicate, which Uisce Éireann will enter into with you in the event of satisfactory proof of title and negotiation of the compensation, once a figure is agreed before the deadline date noted below this can be inserted into the option agreement. [IW-AD-ES-LW-FM-34]
- **Draft Licence Agreement**, as referred to in the Temporary Working Area Option Agreement which will be executed by both parties and which will be entered into within a reasonable period after the issue of all Statutory Consents for the Scheme including Planning Permission (if applicable) and the exercise of the option by Uisce Éireann. [IW-AD-ES-LW-FM-31]

We recommend that you consult with your solicitor in relation to this documentation. Uisce Éireann will pay your solicitors and valuers fees in respect of the acquisition of land, wayleave, right of way and temporary working area as set out in our Code of Practice.

If title can be proved and agreement reached on the compensation terms, the agreed compensation will be paid in accordance with section 1 of the enclosed Code of Practice.

In the event of Uisce Éireann being unable to acquire this Wayleave, Permanent Right of Way, Temporary Working Area and Acquisition on a voluntary basis, given the importance of the project to the waste infrastructure Uisce Éireann will have no option but to acquire the Wayleave, Permanent Right of Way, Temporary Working Area and Acquisition in question by way of Compulsory Purchase Order.

In order to proceed voluntarily please instruct your solicitor to forward;

- signed Wayleave Option Agreement
- signed Land Acquisition Agreement
- signed Right of way Option Agreement
- signed Temporary Working Area Option Agreement
- signed Landowner/Occupier/ Tenant Form, if applicable
- proof of your title to the lands

to the solicitors appointed to act on behalf of Uisce Éireann: Pádraig Murray, Byrne Wallace, 88 Harcourt Street, Dublin 2 by **2nd October 2023**.

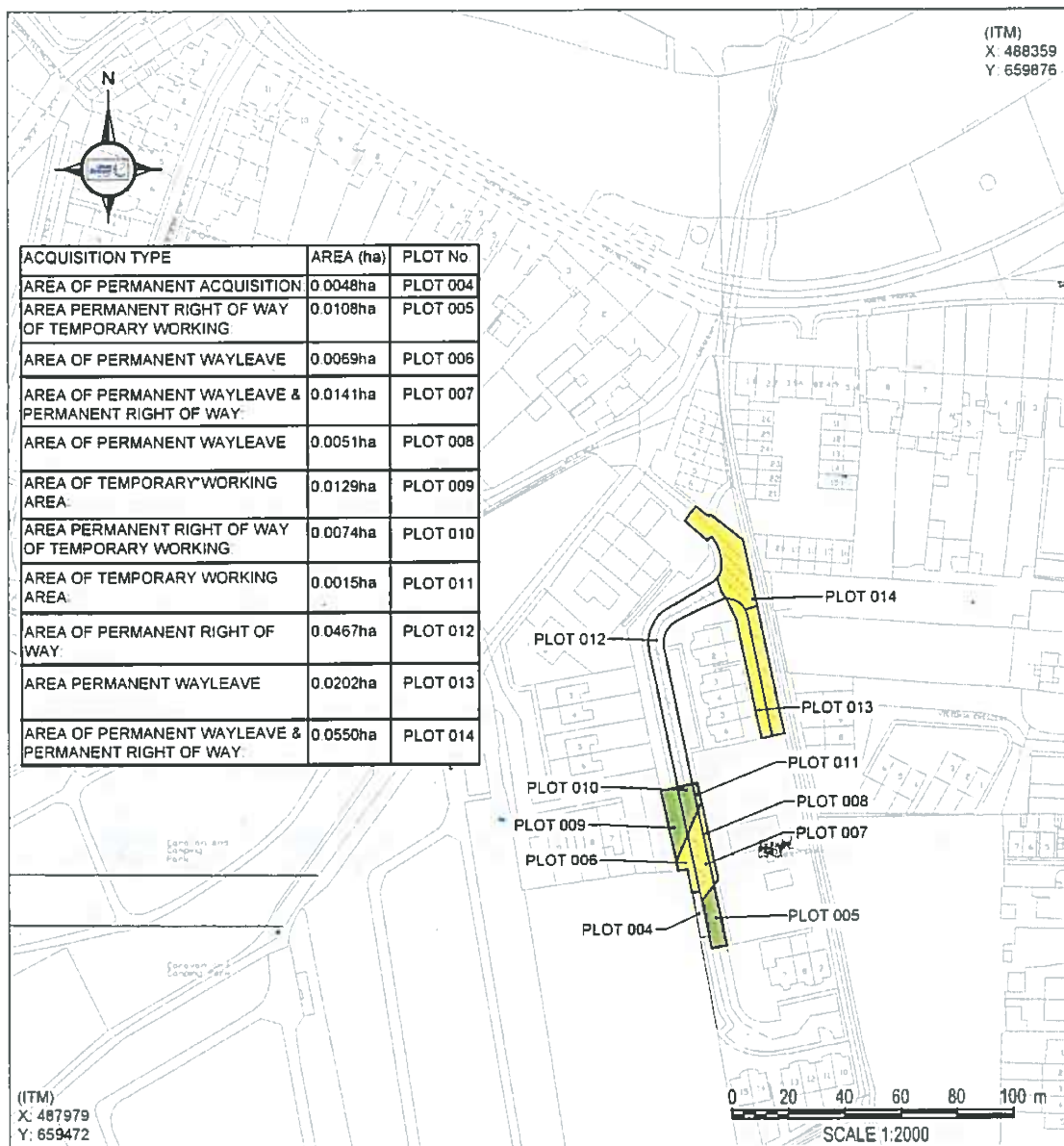
If these documents are not received by **2nd October 2023** then, in order to proceed with the project, Uisce Éireann will be left with no option but to commence the applicable above mentioned statutory procedures pursuant to the provisions of the Water Services Act, 2007 (as amended).

If you miss this deadline for any reason but wish to negotiate compensation for a voluntary agreement of the relevant wayleave, right of way, temporary working area and property, please have your solicitors contact Byrne Wallace immediately.

If you have any queries in relation to this matter, please do not hesitate to contact Land Liaison Partner John Daly on 087-7433486 or at jdaly@entegro.ie.

Yours sincerely,

Land & Wayleave Team



LEGEND



PERMANENT ACQUISITION

PERMANENT RIGHT OF WAY

PERMANENT WAYLEAVE

PERMANENT WAYLEAVE & PERMANENT RIGHT OF WAY



TEMPORARY WORKING AREA

TEMPORARY WORKING AREA & PERMANENT RIGHT OF WAY

TEMPORARY WAYLEAVE

ACQUISITION & WAYLEAVE DETAILS

Permanent Acquisition (red boundary)

Width 3.2m (6ft) Approx. Length 18.2m Approx.

Permanent Wayleave & Right of Way (yellow & red)

Width 11.0m (36ft) Approx. Length 124.3m Approx.

Permanent Right of Way (red)

Width 7.3m (24ft) Approx. Length 85.2m Approx.

Permanent Wayleave (yellow)

Width 4.1m (13ft) Approx. Length 98.3m (324ft) Approx.

Temporary Working Area & Permanent Right of Way (green & red)

Width 3.2m (10ft) Approx. Length 38.1m (125ft) Approx.

Temporary Working Area (GREEN)

PROJECT: KILKEE WWTP

ACQUISITION & WAYLEAVE

LAND OWNER OR REPUTED LAND OWNER



BRIDEFORD PROPERTIES LIMITED
BEECHMOUNT HOUSE, RATHKEALE
CO. LIMERICK

REPRODUCED FROM THE ORDNANCE
SURVEY BY PERMISSION OF THE
GOVERNMENT LICENCE No 3-3-34

DRAWING No

IW/10015237/AQ/0002

REV

5

O.S. REF 4804 SCALE 1:2000@A4

DATE 13/01/22

DRG. BY SKL CHK. BY WGL

10015237 Kilkee Wastewater Treatment Plant Scheme
(the "Project")

WAYLEAVE OPTION AGREEMENT

Brideford Properties Limited
 Beechmount House,
 Rathkeale,
 County Limerick

Drawing No. IW/10015237/ACQ/0002

I/We _____ am/are the sole owner(s) / joint owner(s) / leaseholder(s)/ occupying tenant(s) of the land shown on the drawing no. IW/10015237/ACQ/0002 received from Uisce Éireann (UÉ), a copy of which is attached hereto.

The land is used for the following purposes: _____

In consideration of the payment to me/us of the sum referred to below and in further consideration of the undertakings to be entered into by UÉ in the IDD Deed of Wayleave and Easement (as per form of IDD Deed of Wayleave and Easement (the "IDD Deed of Wayleave and Easement") attached hereto) for the protection of the said land, I/We hereby grant to UÉ the irrevocable option of acquiring, at any time after the date hereof, a wayleave in the form of the IDD Deed of Wayleave and Easement, to lay, operate and maintain the pipeline(s) and apparatus as defined in Clause A(v) of the IDD Deed of Wayleave and Easement in connection therewith or any other materials connected therewith or facilitating the exercise or performance of UÉ of any of its functions or powers in a working area of land, which may be subject to minor re-routing to meet particular construction, engineering, planning, archaeological and other requirements for same, of the width specified below and as indicated on the enclosed plan.

Width of Permanent Wayleave - 10 metres

Width of Working Strip - 20 metres
 (including Permanent Wayleave)

Width of the working strip may be varied to meet the particular requirements along the route.

The option shall be exercisable by 28 days' notice in writing sent by UÉ to me/us, or by the solicitor for UÉ to my/our solicitor, at any time, and shall be deemed to have been exercised (or already exercised) by UÉ on the day that UÉ enter onto the lands for the purposes of laying the pipeline, provided always that the service of such notice or such entry onto the lands shall be within five years from the date hereof.

I/We consent to the planning application being made by Uisce Éireann and Uisce Éireann liaising with the Planning Authority for the development of said lands.



I/We hereby acknowledge the terms in the form of IDD Deed of Wayleave and Easement, and I/We agree and undertake to execute the IDD Deed of Wayleave and Easement in that form when requested to do so by Uisce Éireann.

In consideration of the advance payment (as hereinafter specified) to be made to me/us under the terms aforesaid, I/We forthwith irrevocably consent and authorize UÉ, its servants, agents, consultants and contractors with or without vehicles and/or machinery:-

- (a) to gain access to and to enter upon the proposed wayleave strip, and
- (b) to gain access to and to enter upon the adjoining working strip

for the purposes of laying, operating and maintaining the requisite pipeline(s) and ancillary apparatus as defined in Clause A(v) in the IDD Deed of Wayleave and Easement in connection therewith or any other materials connected with or facilitating the exercise or performance of UÉ of any of its functions or powers and for the purposes of gaining access to any lands affected by same for the purposes aforesaid.

I/We note that the IDD Deed of Wayleave and Easement will be prepared by UÉ at its own expense.

I/We note that on the signing of this agreement UÉ will make a non-refundable advance payment to me / us of €_____ (**Advance Payment**) in respect of the permanent wayleave, subject to the establishment by me/us of satisfactory evidence of title to the reasonable satisfaction of the UÉ's legal advisor.

Subject to UÉ receiving all the necessary statutory consents for the Project including planning permission (if applicable) and the exercise by UÉ of the option a balancing payment of €_____ (**Balancing Payment**) will be made to me/us by UÉ subject to receipt of satisfactory responses to requisitions on title issues by UÉ's Solicitors and the execution of the IDD Deed of Wayleave and Easement by me/us. I/We acknowledge that in the event of any of the statutory consents including planning permission (if applicable) not issuing to UÉ or UÉ not exercising the option, there will be no further wayleave payments made to me/us and that the only payment that I/we will receive in that event is the **Advance Payment**.

I/we further acknowledge that UÉ may opt to postpone the request to me/us to execute the IDD Deed of Wayleave and Easement. If I/we are not requested to execute the IDD Deed of Wayleave and Easement at the time the Balancing Payment falls due we agree to execute the IDD Deed of Wayleave and Easement when requested to do so by Uisce Éireann at any time within five years from the date of this agreement.

It is acknowledged that the agreement to grant the wayleave as detailed in this agreement will bind my/our successors in title and assigns and that if I/we sell the land that is subject to the proposed easement that I/we will:

- (i) notify the purchaser of the provisions of this agreement; and
- (ii) contractually bind the purchaser to grant the wayleave in the form of the IDD Deed of Wayleave and Easement to UÉ upon completion of the Project in accordance with the terms of this agreement.

I acknowledge and accept that upon exercise of the option by UÉ this agreement can be deemed to be a Consent for the purposes of Section 97 of the Water Services Act, 2007 and that UÉ may register

this Consent pursuant to Section 97(7) of the Water Services Act, 2007 and I hereby assent to the registration of this agreement in either the Land Registry or the Registry of Deeds as may be appropriate.

It is further acknowledged that the rights and obligations of the parties as detailed and set out in this agreement remains in full force and effect and shall not be deemed to be merged or discharged by the grant of the IDD Deed of Wayleave and Easement with regard to anything to be enjoyed, done, performed or observed under this agreement and not provided in the IDD Deed of Wayleave and Easement.

Landowner

Signed: _____

Date: _____

Witness: _____

Joint Landowner (If applicable)

Signed: _____

Date: _____

Witness: _____

Landowners Solicitor

Solicitor's Name: _____

Solicitor's Address: _____

Please return one copy of the completed documentation to Byrne Wallace, 88 Harcourt Street, Dublin 2.

The closing date for receipt of the signed agreement is **2nd October 2023.**

Note: If there is a leaseholder or occupying tenant, joint owners, joint leaseholders or joint tenants, please complete as appropriate or inform UÉ.

10015237 Kilkee Wastewater Treatment Plant Scheme

LANDOWNER/OCCUPIER/TENANT FORM

If you are in sole occupation and possession of the land over which the Wayleave has been granted, you should complete Section 1 only and sign your name in the space provided on this page at the end of Section 1.

If the said land has been let/rented, you should complete Section 2 and sign your name in the space provided at the end of Section 2 and have your Tenant/s complete Section 3 and sign at the end of Section 3.

SECTION 1:

I, _____ (Landowner) hereby certify that I am the sole owner and occupier of the lands affected by Wayleave No. _____

Signed: _____ (Landowner)

Witness: _____

SECTION 2:

I, _____ (Landowner) hereby certify that the lands affected by Wayleave No. _____ are let/rented to:-

(a) _____

(b) _____ (if more than one Tenant)

for a period of _____ months/years, commencing on _____

Wayleave compensation is to be paid as follows:-

(i) All compensation to Landowner

or

(iii) Portion of Compensation in the amount of € _____ to be paid to the Occupier/Tenant:-

Signed: _____ (Landowner)

Witness: _____

SECTION 3:

I/WE, _____ (Tenant/s) am the Tenant/s on the lands of
 _____ (the Landowner) known as _____
 _____ (address of lands)

which lands will be traversed by a proposed Water Services Pipeline (the Pipeline) to be constructed by Uisce Éireann.

I/We are/am aware that the above named Landowner has consented to the construction of the Pipeline on the said lands.

As Tenant/s in possession I/we understand that notwithstanding the consent of the above named Landowner Uisce Éireann cannot enter on the said lands for the construction of the Pipeline without my/our consent during the subsistence of my/our Tenancy.

NOW I/WE HEREBY AGREE as follows:-

In consideration of Uisce Éireann paying the wayleave compensation monies for the acquisition of the wayleave as provided for in the Consent Form signed by the above named Landowner **I/WE HEREBY AGREE** to permit Uisce Éireann to enter upon the said lands occupied by me/us in accordance with the provisions for entry agreed between the above named Landowner and Uisce Éireann and **I/WE FURTHER AGREE** not to obstruct Uisce Éireann its servants, agents and contractors in any way effecting such entry for the purpose of constructing the Pipeline or from constructing the -Pipeline in accordance with the terms and provisions agreed with the above named Landowner.

I/WE HEREBY CONFIRM that compensation is to be paid in the manner indicated by the above named Landowner in Section 2 above:-

Signed: _____ (Occupier/Tenant(s))

Full Address: _____

Witness: _____

10015237 Kilkee Wastewater Treatment Plant Scheme

(the “Project”)

CODE OF PRACTICE

1. General

In return for the grant by the landowner of the rights required by Uisce Éireann to lay and maintain water services pipeline(s) and access chambers (where applicable) or any other materials connected with or facilitating the exercise or performance of Uisce Éireann of any of its functions or powers in accordance with the Water Services Acts, 2007-2014 for the provision of Water Services and in accordance with the provisions of the Contract of Sale and/or Standard Uisce Éireann IDD Deed of Wayleave and Easement (IDD Deed of Wayleave and Easement), Uisce Éireann gives the Landowner the following undertakings:

(a) Payment for Acquisition, Permanent Wayleave and Adjoining Working Facilities

Uisce Éireann will pay to the landowner the agreed compensation in full and final settlement in respect of the acquisition, permanent wayleave granted and adjoining working facilities in the manner provided for in paragraph 1(b) if the total agreed compensation amounts to €10,000 or less or in the manner provided for in paragraph 1(c) and 1(d) if the total agreed compensation exceeds €10,000.

(b) Timing of Payment if the total agreed compensation amounts to €10,000 or less

Subject to satisfactory evidence of title being forthcoming the full payment of 100% of the agreed compensation for the land, permanent wayleave and working facilities as set out in the letter of offer shall be made to the landowner within 28 days of the formal transfer of unencumbered good and marketable title to Uisce Éireann or the execution of the IDD Deed of Wayleave and Easement by the landowner, as applicable, if the total compensation amounts to €10,000 or less.

(c) Timing of Payment – Acquisition if the total agreed compensation exceeds €10,000

- (i) Subject to satisfactory evidence of title being forthcoming the advance payment of 10% of the agreed compensation for land (Advance Payment) as set out in the letter of offer shall be made to the landowner within 28 days after receipt by Uisce Éireann of a signed an Option Agreement to the laying of the water services pipeline(s).
- (ii) Subject to Uisce Éireann receiving all the necessary statutory consents for the Project including planning permission (if applicable) and the exercise of the option in the Option Agreement by Uisce Éireann a balancing payment of 90% is payable on the formal transfer of unencumbered good and marketable title to, Uisce Éireann . The balancing payment will be paid within 45 days of the receipt of such written confirmation.

(d) Timing of Payment – Wayleaves if the total agreed compensation exceeds €10,000

- (i) Subject to satisfactory evidence of title being forthcoming the advance payment of 10% of the agreed compensation for the permanent wayleave and working facilities (Advance Payment) as set out in the letter of offer shall be made to the landowner within 28 days

after receipt by Uisce Éireann of a signed an Option Agreement to the laying of the water services pipeline(s).

- (ii) Subject to Uisce Éireann receiving all the necessary statutory consents for the Project including planning permission (if applicable) and the exercise of the option in the Option Agreement by Uisce Éireann a balancing payment of 90% of the agreed compensation for the permanent wayleave and working facilities shall be made subject to receipt of satisfactory responses to requisitions on title issues by, Uisce Éireann's Solicitors and the execution of the IDD Deed of Wayleave and Easement by the landowner. The balancing payment will be paid within 45 days of the receipt of such written confirmation.

(e) Non-Acceptance of Terms

In any case where the terms set out above are not accepted by the landowner, Uisce Éireann shall not be bound by these terms. In particular, in the event of any dispute or difference being referred to arbitration, Uisce Éireann reserves the right to pursue its case as it thinks fit.

2. Site Investigations

Site investigations in advance of work, where necessary, shall be opened only after consultation with the landowner and the following compensation rates shall apply – trial pits €250, bore holes €250, borehole with standpipe €386, slit trenches €320 per trench (5 linear metres average) and probing €125.

The method of carrying out these works will be such as to cause the least disturbance. Compensation will be paid if damage is done.

3. Professional Charges

(i) Legal

Wayleave - The IDD Deed of Wayleave and Easement relating to the rights required by Uisce Éireann over a landowner(s) property (as referred to in Clause 1 hereof), together with abbreviated queries on title, will be prepared by and at the cost of, Uisce Éireann. The landowners' legal costs and other charges and expenses reasonably and necessarily incurred in dealing with, Uisce Éireann's solicitor's queries on title and in completion of the IDD Deed of Wayleave and Easement will be discharged by Uisce Éireann subject to a maximum contribution of €750.00 plus VAT plus all legal outlay reasonably and necessarily incurred in meeting, Uisce Éireann's reasonable requirements on title.

Acquisition of land – Uisce Éireann will pay landowner's legal costs up to €1,200 plus VAT plus all legal outlay reasonably and necessarily incurred when acquiring a parcel of land (including a wayleave). Some acquisitions will incur fees in excess of this limit, but these must be deemed as reasonable by, Uisce Éireann.

No payment will be made by Uisce Éireann towards any costs/expenses incurred by the landowner(s) in perfecting defects in title.

(ii) Valuer

Wayleave - Uisce Éireann will pay valuers reasonable fees up to €1,500 + VAT in respect of the acquisition of a wayleave.

Acquisition of land – Uisce Éireann will pay valuers fees deemed as reasonable.

4. Working Strip and Wayleaves

The normal working strip shall be 20 meters. The permanent wayleave will normally be a maximum of 10 metres within the working strip. All of these widths may be varied to meet the particular requirements of Uisce Éireann along the route. The landowner shall be provided with a 1:2,500 or 1:1,000 scale map showing the strip on their land. Where possible entry onto the working strip will be made only at points where it intersects public roads. The contractor will not be authorised to operate on land outside the working strip without prior permission of the owner except where access is required specifically to a working strip of the individual landowner affected by the pipeline(s). Compensation will be paid for any crop loss and disturbance associated with this access.

5. Supervision of Work

The works shall throughout be executed under the supervision of the engineer acting on behalf of Uisce Éireann who shall maintain contact with the landowners along the route of the main during the course of the works. The landowners will be informed of the name, address, and telephone number of the person to whom queries may be addressed.

Uisce Éireann will accept responsibility for the actions of their contractors and of their subcontractors and of all persons employed by Uisce Éireann in connection with the works, except for actions carried out expressly at the request of the owner or occupier of the land. Any instructions or alterations required on behalf of the landowner shall only be negotiated directly with Landowner Liaison Partner John Daly on 087-7433486 or at jdaly@entegro.ie and with no other person except with the prior consent in writing of Uisce Éireann.

6. Commencement of Work

Notice of intention to commence work shall be given to landowners along the route of the pipeline(s) before entry is made on their land. Twenty-eight days' notice of commencement shall be given unless a shorter notice period is agreed with the individual landowner. The work shall, so far as is possible, be carried out in accordance with a programme of which the landowner shall be kept informed.

7. Record of Condition

Before any construction work is begun Uisce Éireann will prepare a written and photographic record of the condition of any affected property for agreement with the owner or occupier.

8. Ancillary Apparatus

It may be necessary to install ancillary apparatus such as manholes, inspection chamber access and marker/identification posts above ground. Any such apparatus so installed shall, whenever practicable, be sited by agreement between the landowner and Uisce Éireann. It may be possible, by agreement, to locate manholes and inspection chambers below ground to minimise interference with agricultural operations. As far as is practicable, marker posts shall be sited in or adjacent to hedges or fences.

9. Timber

Trees shall be removed within the working strip after consultation between Uisce Éireann and the

landowner and all saleable timber shall remain the property of the timber owner and shall be cut and disposed of in accordance with the reasonable requirements of the timber owner. Compensation will also be paid for any damage to established woodlands caused by wind blow resulting from the rights obtained by Uisce Éireann, provided prompt notice of claim is given to, Uisce Éireann. All other scrub or timber shall be burnt or disposed of by Uisce Éireann.

10. Mature Hedgerows

Mature Hedgerows shall be removed within the working strip after consultation between Uisce Éireann and the landowner. This hedgerow will be replaced with a stock proof fence of which the specification of this fence will be agreed with the landowner prior to work commencing.

11. Fencing

Fences, lights and guards shall be provided as necessary for the protection of members of the public and animals, and to avoid trespass. All temporary fencing shall be erected in position before construction commences and shall be maintained thereafter (unless otherwise agreed with the occupier) until reinstatement of land is completed and shall be removed. Fences, walls and hedges will be replaced with appropriate materials in each case.

12. Farm Roadways: Passes

Where excavations cross existing farm pathways or roadways Uisce Éireann shall provide a means of crossing them acceptable to the landowner. Where an existing access is obstructed Uisce Éireann shall provide adequate facilities for passage of persons, machinery and stock across the working strip. All permanent pathways/roadways affected will be restored to their original state.

13. Water Services

All necessary precautions shall be taken to protect all watercourses and water supplies against pollution attributable to the laying of the pipeline(s). All proper steps will be taken to reduce to a minimum any interference with water supplies. Before trenching or trial boring operations commence Uisce Éireann or its agents shall acquaint themselves with the position, type and size of all underground services. In the event of a water pipe or supply being severed, Uisce Éireann shall affect an immediate repair or provide alternative supplies. If the service is not repaired within two hours, the landowner may have it repaired and charged to, Uisce Éireann. In the event of a well or other water supply being permanently affected or destroyed by the pipeline, Uisce Éireann will construct an alternative supply (e.g., a second well) as soon as possible.

14. Drinking Troughs

Where cattle drinking troughs come within the working strip, or where fields are severed from the normal water supply temporary drinking troughs shall be provided at sites determined by the landowner outside of the working strip. At the termination of the works, all troughs shall at the discretion of the landowner be replaced in their original position.

15. Sewers, Septic Tanks

Where excavations interfere with water supplies, drainage, sewers or septic tanks within the curtilage of a dwelling house even though these may be outside the wayleave, these utilities shall be maintained by Uisce Éireann without interruption during the course of the work and the owner shall provide all necessary access facilities to enable Uisce Éireann to do so. They shall be restored to the reasonable satisfaction of the owner

at the termination of the work.

16. Depth of Pipeline(s)

The pipeline(s) shall be laid at a depth which will avoid land drains where they exist and shall not impede future drainage of surrounding land. It shall normally have a cover of soil of at least 1200mm. Where the pipeline(s) passes below a ditch or stream it shall be protected by 150mm concrete and located at such a depth as to provide at least 300mm cover from the true cleaned bottom of the ditch or stream to the top of the concrete. Concrete will not be used in the case of directional drilling, e.g., under a stream.

17. Land Drains

All ditches, open drains or watercourses interfered with by the works will be maintained in effective condition during construction and finally restored to as good a condition as before the commencement of the works. Particular care shall be taken to ensure that the minimum amount of damage or disturbance to land drains is caused and where practicable the pipeline(s) shall be laid to run below the level of the land drains. The position of all land drains cut or disturbed during excavation shall be prominently marked by pegs at both sides of the trench immediately following their location.

18. Trenching

All topsoil to a depth determined by, Uisce Éireann's engineers shall be kept separate and stacked to one side of the working strip and kept free from the passage of vehicles and plant and replaced carefully after completion of the works. Subsoil and hardcore materials shall be kept separate from topsoil.

19. Backfilling

When the pipeline(s) has been laid backfilling shall be carried out with the excavated materials except where in the opinion of, Uisce Éireann's engineer excavated material is of such a character as to make it inadvisable to replace it in the trench it shall be removed for disposal or use elsewhere by Uisce Éireann during the course of construction of this pipeline. No compensation shall be payable to a landowner for the removal or use by Uisce Éireann or its Contractors of any excavated material which in the opinion of Uisce Éireann is not suitable for replacement in the trench. Any such unsuitable material shall be replaced with imported material which in the opinion of Uisce Éireann is suitable material for the backfilling of the trench. The topsoil shall be carefully replaced, and additional topsoil shall be provided as reasonably required. Subsequent to back blading of ripped sub soil, shale and rock in excess of 150mm in dimension displaced by the pipeline construction works shall be removed from site. Uisce Éireann shall ensure that the restoration is not adversely affected by waterlogged conditions.

20. Re-Instatement of Land

Uisce Éireann shall be responsible for restoring all ground within the working strip, and any other ground disturbed by its operations, to a condition equivalent to that existing before the commencement of the works.

This shall involve:

- (a) After subsoil is restored, it shall be ripped with a mechanical ripper to a minimum uniform depth of 600 mm. In all cases the depth of ripping shall exceed the depth of subsoil compaction. All surface stones and roots over 150mm in diameter shall be picked before any topsoil is put back.

- (b) The topsoil should be left in a loose and friable condition.
- (c) Levelling off of the ground so as to present a neat and level appearance (the level of the trench area shall be the same as that of the undisturbed surrounding around one year after restoration is completed).
- (d) The removal of all stones in excess of 50mm in diameter from the surface.
- (e) The reseeding of the area of grassland in consultation with the landowner. The rate of seeding and time and method of sowing including application of fertiliser shall be in accordance with good agricultural practice.
- (f) Driving over the land where topsoil has been put back must be kept to a minimum, particularly in wet weather. Mechanical equipment heavier than standard tractors and trailers should not be allowed travel back over the topsoil.
- (g) Where a weed problem exists as a result of the work, chemical sprays shall be used in accordance with the Sustainable Use (of pesticides and herbicides) Directive. Landowner to inform Uisce Éireann Engineer if organic farming practices are undertaken on lands.

21. Re-Instatement of Private Roadways, Driveways, Hardstanding and Boundary Walls and Fences

Uisce Éireann shall be responsible for restoring all private roadways, driveways, hardstanding and any boundary walls and fences affected by the works to a condition equivalent to that existing before the commencement of the works.

22. Completion of Works

On completion of the works Uisce Éireann shall remove all temporary buildings, fences, roadways, all surplus soil, stones or gravel and any debris such as trees, brushwood etc. and any other matter that does not naturally belong to the site.

23. Support of Structures

Temporary underpinning supports and other protective measures for buildings, structures and apparatus in or adjacent to the trench shall be of proper design and sound construction and shall be securely placed to the reasonable satisfaction of the owner or occupier and of, Uisce Éireann's Engineer.

24. Straying Stock

Uisce Éireann will after consultation with the landowner take all necessary precautions to prevent the straying of livestock and will relieve the owner/occupier or owner of such livestock of all loss, damage or claims arising from the loss of such animals and will pay compensation for injury to or death of the animals where such straying is due to any act or omission on the part of, Uisce Éireann.

25. Animal Disease

Uisce Éireann will comply with any regulations which may be necessary in connection with any Department of Agriculture Disease Eradication Scheme.

26. Indemnification

Uisce Éireann will indemnify the landowner against all actions, claims and demands arising from the exercise by it of the rights granted in accordance with Clause 2 of the IDD Deed of Wayleave and Easement.

27. Inspection and Maintenance

Except in case of emergency, notice shall be given to the landowner of any subsequent entry for purposes of maintenance or inspection of the pipeline(s). Where practicable the landowner shall be consulted as to the means of access necessary to carry out such works. Such works shall be suspended or restricted other than in cases of emergency to comply with any requirements of the Department of Agriculture and the occupier if the area is declared infected on account of foot and mouth disease, fowl pest, swine fever, brucellosis or other notifiable disease. Uisce Éireann may wish to have the route inspected from time to time and all representatives of Uisce Éireann entering on land for the purpose of inspection, maintenance or execution of the works or any subsequent works will carry and produce on request adequate means of identification.

28. Sporting Rights

Uisce Éireann will take reasonable and practicable steps to protect fishing and sporting rights and will pay compensation for any loss or damage to such rights arising out of the construction of the works.

29. Landowner Liaison Partner John Daly

- (i) Where Landowner Partner have a direct involvement in negotiating separate agreements between landowners and contractors, Uisce Éireann will be responsible for ensuring that such works are carried out in a proper manner.
- (ii) Should disputes arise between the engineer and the landowner; the matter will be referred to Uisce Éireann's programme manager to resolve any such issues. In the event of the matter not being resolved the services of the agronomist may be used. In the event of any such dispute not being a suitable matter for reference to an agronomist to resolve, the dispute may be referred by Uisce Éireann or the landowner to arbitration and the arbitrator shall be appointed in accordance with the provisions of Clause 4.1 of the IDD Deed of Wayleave and Easement.

30. General

In the event of conflict between the terms and content of this document and those of the Contract of Sale or IDD Deed of Wayleave and Easement the provisions of the Contract of Sale or IDD Deed of Wayleave and Easement shall prevail and be regarded as final and conclusive.

LWA01 REV 2.0

Dated the day of 2023

Brideford Properties Limited

and

UISCE ÉIREANN

IDD - DEED OF WAYLEAVE AND EASEMENT

10015237_Kilkee Wastewater Treatment Plant Scheme

IDD DEED OF WAYLEAVE AND EASEMENT

THIS IDD DEED OF WAYLEAVE AND EASEMENT is made the day of
Two Thousand and

BETWEEN Brideford Properties Limited of Beechmount House, Rathkeale, County Limerick (hereinafter called "the Grantor" which expression where the context so admits or requires shall include all Executors, Administrators, Successors and Assigns) of the One Part and **UISCE ÉIREANN**, a designated activity company, limited by shares, incorporated in Ireland (Company No. 530363), whose registered office is at Colvill House, 24-26 Talbot Street, Dublin 1 (hereinafter called "UE" which expression where the context so admits or requires shall include its successors and assigns) of the Other Part.

WHEREAS

A. In this Deed and in the several Schedules unless the context otherwise requires the following words and expressions shall have the following meanings:

- (i) "Accessories" has the same meaning as in the Acts.
- (ii) "The Acts" means the Water Services Acts 2007 to 2022.
- (iii) "Water Services" has the same meaning as in the Acts.
- (iv) "The Land" means the land of the Grantor specified in the First Schedule hereto.
- (v) "The Pipeline" means any water main or water mains, sewer or sewers as defined in the Acts or Pipe or Pipes referred to in Clause 1 hereof which have been laid or are to be laid in the Strip and includes part of any such water main sewer or Pipe or any apparatus equipment or other thing (or part thereof) which is ancillary to any of them whether moveable or permanent or which assists in the inspection placement maintenance repair replacement rendering unusable or servicing of any water main or sewer or Pipe or any of them and which are required for Water Services.
- (vi) "Pipe" has the same meaning as in the Acts.
- (vii) "The Strip" means the strip of land more particularly delineated and described on the plan hereto annexed and thereon coloured yellow and forming part of the Land.
- (viii) Reference to any enactment (including the Acts) includes reference to any statutory modification thereof whether by way of amendment, addition, deletion or repeal and re-enactment with or without amendment.
- (ix) The singular of any word in these definitions or elsewhere in this Deed includes the plural and the masculine gender includes the feminine and neuter genders and where two or more persons together constitute the Grantor the covenants by such a person shall be deemed to be joint and several covenants by both or everyone of such persons.

- B. The Grantor is seized and possessed of the Land for the tenure mentioned in the First Schedule hereto.
- C. UE is a designated activity company limited by shares and registered under the Companies Acts, 1963 to 2014, pursuant to Section 4 of the Water Services Act 2013 and is the National authority for Water Services pursuant to the Water Services Acts 2007-2022.
- D. The Grantor has agreed with UE to grant to it for the purposes of its functions the rights easements and irrevocable licenses hereinafter set forth and upon treaty for such grant it was agreed that UE and the Grantor would give to the other of them the several covenants hereinafter contained on the part of each of them UE and the Grantor to the intent that the said covenants would be binding on their respective successors in title.

1. In pursuance of the said Agreement and in consideration of the sum of { } Euro (€) paid by UE to the Grantor (the receipt whereof the Grantor doth hereby acknowledge) the Grantor as beneficial owner HEREBY GRANTS unto UE ALL AND SINGULAR the full free and sufficient wayleaves rights easements licenses and liberties to lay, keep, construct use inspect maintain repair replace remove or render unusable any mains Pipes, Accessories or any other materials connected with or facilitating the exercise or performance by UE of any of its functions or powers in connection with Water Services together with the right to introduce and place all necessary apparatus ancillary thereto on over or beneath the surface of that part of the Land that consists of the Strip together with the full and free right and liberty of UE its officers and servants and all persons authorised by UE to pass and repass over the Strip at all times by day and by night times on foot and with or without vehicles equipment machinery and apparatus for any of the purposes aforesaid and for the purposes of any similar works of UE contiguous to the Pipeline or the Strip and the Grantor as beneficial owner further grants to UE its officers and servants and all persons authorised by UE full right and liberty to pass and repass over the Land of the Grantor for the purpose of accessing the Strip for any of the purposes aforesaid TO HOLD the said rights easements and licenses unto UE in fee simple or for such lesser interest as the Grantor may have as appearing in the First Schedule hereto (subject to the provision for surrender as specified in Clause 2 (iii) hereof) as rights easements and licenses appurtenant to all and every or any lands of UE used for the provision of Water Services and appurtenant to the rights which UE have or will have over lands of other Landowners for the provision of Water Services.
2. UE (to the intent so as to bind the rights easements and licenses hereby granted into whatsoever hands the same may come and with the intent to benefit and protect the Land and every part thereof) hereby covenants with the Grantor as follows:-
- (i) In exercising the rights easements and licences hereby granted to take all reasonable precautions to avoid obstruction or interference with the user of the Land and damage and injury thereto.
 - (ii) So far as is reasonably practicable and with all practicable speed to make good all damage or injury to the Land caused by the exercise by UE of the rights easements and licences hereby granted.
 - (iii) So far as is reasonably practicable and so long as the Pipeline is used for or in connection with UE's Water Services functions to keep the Pipeline in proper repair and condition, and upon permanent abandonment of the Pipeline or any part thereof (notification whereof shall be given to the Grantor by UE):

- (a) to render the Pipeline permanently safe and
- (b) surrender back the rights easements and licences granted hereby to the Grantor.
- (iv) To indemnify and keep indemnified the Grantor his servants, agents, licencees and invitees against all sums in respect of loss or damage, claims, demands, costs and expenses which the Grantor shall become legally liable to pay as compensation for accidental bodily injury or accidental loss of or damage to property where such injury or damage directly attributable to any default or negligence on the part of UE in the laying, construction, maintenance, repair, replacement, or removal of the Pipeline other than in consequence of the breach by the Grantor of any of the Grantor's covenants set out in Clause 3 below or in consequence of any malicious act or omission of the Grantor or any person for whom the Grantor is responsible in law.
- (v) To pay all rates and taxes which may be imposed in respect of the Pipeline or the easements and licences hereby granted and any increased rates, taxes or insurance premiums which may be imposed on the Grantor in respect of adjoining land by virtue of the existence of the Pipeline.
- (vi) If any interference with or disturbance of the functioning of any drain or drainage system in or under the Land can be shown by the Grantor to have been caused by the laying of any main Pipe or thing in the exercise of the rights easements and licences hereby granted, then with all practicable speed so far as is reasonably practicable to make good any damage or injury thereby occasioned and to make full compensation to the Grantor in respect thereof and in so far as the same shall not have been made good as aforesaid.
- (vii) To compensate the Grantor his servants, agents, licencees and invitees in respect of any bodily injury or loss or damage to material property suffered by him or them where the same is caused by or arises from the Pipeline, other than in consequence of the breach by the Grantor of any of the Grantor's covenants set out in Clause 3 below or in consequence of any malicious or criminally reckless act or omission of the Grantor or any person for whom the Grantor is responsible in law and except in so far as the same has been made good by UE without loss to the Grantor.
- (viii) [DELETE IF NOT APPLICABLE] To perform and observe the undertakings to be performed and observed by UE as contained in the UE (Insert name of Project) Code of Practice a copy of which has been furnished to the Grantor (the receipt of which the Grantor hereby acknowledges) prior to the signing hereof.

PROVIDED that the Grantor shall (i) as soon as reasonably practicable give notice in writing to UE of any claim or action brought or threatened against the Grantor and (ii) not admit liability in respect of, nor settle or compromise, such action or claim as is referred to in sub-clause (iv) of this clause without the prior written consent of UE. UE may at its own expenses defend any such action or claim in the name of the Grantor.

3. The Grantor (to the intent so as to bind the Land and every part thereof into whatsoever hands the same may come and with the intent to benefit and protect the rights easements and licences hereby granted) hereby covenants with UE as follows:-

- (i) Not to do or cause deliberately or recklessly permit or suffer to be done on the Land anything calculated or likely to cause damage or injury to the Pipeline or interfere with the exercise by UE of the rights hereby granted, including the planting of trees or shrubs that would interfere with the Pipeline or its operation.
- (ii) Not without the prior consent in writing of UE (such consent not to be unreasonably withheld) to excavate under or alter the level of the ground over or under the Strip or to make or cause or recklessly permit or suffer to be made any material alteration to or any deposit of anything upon any part of the Strip so as to interfere with or obstruct the access thereto or to the Pipeline by UE or so as to lessen or in any way interfere with the support afforded to the Pipeline by the surrounding soil including minerals or so as materially to reduce the depth of soil above or under the Pipeline.
- (iii) Not to erect or install or cause or recklessly permit or suffer to be erected or installed any building, structure or other erection or any plant or permanent apparatus of any kind whatsoever or permanent apparatus or the carrying out of any works on, over or beneath the surface of the Strip or the making of any material change in the use of the Strip which would be likely to cause damage or injury to the Pipeline.
- (iv) To observe the covenants and stipulations set out in the Third Schedule hereto.

PROVIDED that nothing in this clause shall prevent the Grantor from installing any necessary service pipes drains wires or cables under the supervision and with the consent (which consent shall not be unreasonably withheld and for which no charge shall be made) of UE or its agents or the carrying on of normal agricultural operations or acts of good husbandry including fencing hedging and ditching not causing any such interference obstruction or material reduction of the depth of soil above or under the Pipeline.

- 4.1 Any dispute arising under, or in connection with or arising out of Clauses 2 or 3 of this IDD Deed of Wayleave and Easement shall, in default of agreement between the parties, be referred by written notice from either party to the decision of a single arbitrator to be agreed upon between the parties hereto, or failing agreement to be appointed on the application of either party by the President of the Law Society of Ireland. Any such reference to arbitration will be a submission to arbitration within the meaning of the Arbitration Act, 2010, or any Act amending or repealing same and shall be an arbitration conducted in Ireland and in the English language and shall be governed by the Arbitration Act, 2010 subject to the provisions of this Clause 4.
- 4.2 The arbitrator shall on the request of either party hereto, at the sole cost of the requesting party, provide a reasoned award.
- 5. The Grantor hereby acknowledges the right of UE to production of the Deeds and Documents set out in the Second Schedule hereto (possession whereof is retained by the Grantor) and to delivery of copies thereof and hereby undertakes for the safe custody thereof.
- 6. All communications relative to this IDD Deed of Wayleave and Easement shall be addressed to the Grantor at his address given at the commencement of this IDD Deed of Wayleave and Easement and to UE at Colvill House, 24-26 Talbot Street, Dublin 1, or such other address as UE may at any time or from time to time notify to the Grantor.
- 7. The Grantor as registered owner or as the person entitled to be registered as owner

hereby assents to the registration of the aforesaid rights easements licenses and covenants as burdens on the property specified in the First Schedule hereto.

8. If anyone (hereinafter referred to as "the spouse") of joint Grantors shall have no proprietary interest legal or equitable in or claim to the land specified in the First Schedule hereto and shall have been joined solely for the purpose of satisfying the provisions of the Family Home Protection Act 1976, these presents shall be deemed to have been executed by the spouse solely for the purpose of signifying his or her consent to the within Deed and to payment of the consideration by UE to the other spouse and the spouse shall not by reason only of having executed these presents be liable for the performance by the other spouse of his or her obligations hereunder.

FIRST SCHEDULE
(Description and Tenure of the Grantors Land)

SECOND SCHEDULE
(Documents retained by the Grantor)

THIRD SCHEDULE
(Grantor's Covenant Pursuant to Clause 3 (iv))

Not to plant within the Strip any trees or shrubs with the exception of the following species:

- Blackthorn (*Prunus spinosa*)
- Hawthorn (*Crataegus monogyna*)
- Privet (*Ligustrum vulgare*)
- Dog Rose (*Rosa canina*)
- Bramble (*Rubus fruticosus* agg.)
- Wild Raspberry (*Rubus idaeus*)

In this Schedule any stipulation of a negative nature whereby the Grantor is restrained from doing any act or thing shall be read and construed as a covenant on the part of the Grantor not to do or permit or suffer such thing to be done.

IN WITNESS whereof the Grantor has signed his name and UE has affixed its seal the day and year first herein written.

**SIGNED AND DELIVERED
AS A DEED** by the **GRANTOR**
in the presence of:-

Witness:

Witness Occupation:

Witness Address:

Given under the common seal of **UISCE ÉIREANN**
in the presence of:-

Authorised Signatory

Authorised Signatory

10015237 Kilkee Wastewater Treatment Plant Scheme
(the "Project")

LAND ACQUISITION AGREEMENT – REGISTERED LAND
(INCORPORATING OPTION AGREEMENT IN FAVOUR OF UISCE ÉIREANN)

Brideford Properties Limited
Beechmount House,
Rathkeale,
County Limerick

Drawing No. IW/10015237/ACQ/0002

I/We _____ am/are the sole owner(s) / joint owner(s) / leaseholder(s)/ occupying tenant(s) of the land contained in Folio CE19422 and shown on the drawing no. IW/10015237/ACQ/0002 received from Uisce Éireann (UÉ), a copy of which is attached hereto.

The land is used for the following purposes: _____

In consideration of the payment to me/us of the sum referred to below, I/We hereby grant to UÉ the irrevocable option (the "Option") of acquiring, at any time after the date hereof, good and marketable title to the land contained in Folio CE19422 Co. Clare and outlined in red on the abovementioned drawing which is attached hereto ("the Lands").

The Option shall be exercisable by 28 days' notice in writing sent by UÉ to me/us, or by the solicitors acting for UÉ to my/our solicitor, at any time, and shall be deemed to have been exercised (if not already exercised) by UÉ on the day that UÉ enter onto the Lands provided always that the service of such notice or such entry onto the lands has occurred within five years from the date hereof.

I/We consent to the planning application being made by Uisce Éireann and Uisce Éireann liaising with the Planning Authority for the development of the Lands.

I/We hereby acknowledge the draft Property Registration Authority standard Form 19 (Deed of Transfer) and I/We agree and undertake to execute the required Deed of Transfer based upon that draft form together with ancillary closing documents as required by UÉ's legal representatives to effect a transfer of good and marketable title to the Lands (the "Closing Documentation") when requested to do so by Uisce Éireann.

I/We note that the Closing Documentation will be prepared by UÉ at its own expense.

In consideration of the advance payment (as hereinafter specified) to be made to me/us under the terms aforesaid, I/We forthwith irrevocably consent and authorize UÉ, its servants, agents, consultants and contractors with or without vehicles and/or machinery to gain access to and to enter upon the Lands, as required by UÉ.

I/We note that on the signing of this Land Acquisition Agreement ("this Agreement"), UÉ will make a non- refundable advance payment to me /us of €_____ (**Advance Payment**) in respect of

the land acquisition, subject to the establishment by me/us of satisfactory evidence of title to the reasonable satisfaction of the UÉ's legal advisor.

Subject to UÉ receiving all the necessary statutory consents for the Project including planning permission (if applicable) and the exercise by UÉ of the option a balancing payment of €_____ (**Balancing Payment**) will be made to me/us by UÉ subject to receipt of satisfactory responses to requisitions on title issues by UÉ's Solicitors, the execution of the Closing Documentation by me/us and the formal transfer of good and marketable title to the lands.

I/We acknowledge that in the event of any of the statutory consents including planning permission (if applicable) not issuing to UÉ or UÉ not exercising the option, there will be no further payments made to me/us and that the only payment that I/we will receive in that event is the **Advance Payment**.

It is acknowledged that this Agreement will bind my/our successors in title and if I/we sell any right in relation to the Lands prior I/we will notify the purchaser of the provisions of this Agreement.

Landowner

Signed: _____

Date: _____

Witness: _____

Joint Landowner (If applicable)

Signed: _____

Date: _____

Witness: _____

Landowners Solicitor

Solicitor's Name: _____

Solicitor's Address: _____

Please return one copy of the completed documentation to Byrne Wallace, 88 Harcourt Street, Dublin 2.

Please note the final date for receipt of this agreement and the attached documentation duly signed is **2nd October 2023**.

Note: If there is a leaseholder or occupying tenant, joint owners, joint leaseholders or joint tenants, please complete as appropriate or inform UÉ.

FORM 19

Transfer of property by a registered owner (Rules 52 and 67)

LAND REGISTRY

County

Folio

Transfer dated the day of 20
A.B., the registered owner, in consideration of (the receipt of
which is hereby acknowledged, *(if appropriate)*) hereby transfers all the property described
in folio of the register County to C.D.

*(if more than one transferee state whether taking as joint tenants or tenants in common and
if taking as tenants in common, state the shares each transferee is taking)*

The address of C.D., in the State for service of notices and his/her description are:
(give address and description)

Signed *(or, Signed, sealed)* and delivered
by A.B.

in the presence of:-

Signed *(or, Signed, sealed)* and delivered
by C.D.

in the presence of:-

Note (1) - The relevant stamp certificate issued by the Revenue Commissioners should be attached to the deed or if an exemption from stamp duty is being claimed, evidence of such exemption should be lodged pursuant to Section 104 of the Registration of Title Act 1964, as substituted by Section 64 of the Registration of Deeds and Title Act 2006.

Note (2) - Where the transfer is on a sale, and the transferor claims a lien for unpaid purchase money, he/she must, in order to protect the lien, apply for its registration as a burden *(see Rule 117)*.

Note (3) - For execution and the attestation of the execution of a transfer *(see Rules 54 and 55)*.

Note (4) - Where desired, the covenants for title implied by the transferor transferring "as beneficial owner" or "as settlor" or "as mortgagee" may be incorporated by inserting these words in the transfer after the name of the transferor *(see Section 80 of the Land and Conveyancing Law Reform Act 2009)*.

Note (5) - In the case of a transfer of a leasehold interest, the usual covenants, where desired, by the assignee for payment of the rent and performance of the covenants in the lease may be inserted.

Note (6) - If there is more than one transferor/transferee, the form should be amended accordingly.

10015237 Kilkee Wastewater Treatment Plant Scheme
(the "Project")

RIGHT OF WAY OPTION AGREEMENT

Brideford Properties Limited
Beechmount House,
Rathkeale,
County Limerick

Drawing No. IW/10015237/ACQ/0002

I/We _____ am/are the sole owner(s) / joint owner(s) / leaseholder(s)/ occupying tenant(s) of the land shown on the drawing no. IW/10015237/ACQ/0002 received from Uisce Éireann (UÉ), a copy of which is attached hereto.

The land is used for the following purposes: _____

In consideration of the payment to me/us of the sum referred to below and in further consideration of the undertakings to be entered into by UÉ in the IDD Deed of Wayleave and Easement (as per the form of IDD Deed of Wayleave and Easement (the "IDD Deed of Wayleave and Easement") attached hereto) for the protection of the said land, I/We hereby grant to UÉ the irrevocable option of acquiring, at any time after the date hereof, a right of way in the form of the IDD Deed of Wayleave and Easement, to pass over the Strip as defined in Clause A(vi) in the IDD Deed of Wayleave and Easement at all times by day and by night on foot and with or without vehicles, equipment, machinery and apparatus for all purposes in connection with or facilitating the exercise or performance of UÉ of any of its functions or powers (the "Right of Way"), which may be subject to minor re-routing to meet particular planning, archaeological and other requirements for same, of the width specified below and as indicated on the enclosed plan.

Width of Permanent Right of Way - 25 metres

The said option shall be exercisable by 28 days' notice in writing sent by UÉ to me/us, or by the solicitors acting for UÉ to my/our solicitor, at any time, and shall be deemed to have been exercised (if not already exercised) by UÉ on the day that UÉ enter onto the lands, provided always that the service of such notice or such entry onto the lands has occurred within five years from the date hereof.

I/We consent to the planning application being made by Uisce Éireann and Uisce Éireann liaising with the Planning Authority for the development of said lands.

I/We hereby acknowledge the terms in the form of IDD Deed of Wayleave and Easement of Wayleave and Easement, and I/We agree and undertake to execute the IDD Deed of Wayleave and Easement in that form when requested to do so by Uisce Éireann.

In consideration of the advance payment (as hereinafter specified) to be made to me/us under the terms aforesaid, I/We forthwith irrevocably consent and authorize UÉ, its servants, agents, consultants and contractors with or without vehicles and/or machinery to gain access to and to enter upon the proposed Right of Way and pass and repass over same for the purposes of facilitating the exercise or performance of UÉ of any of its functions or powers in a working strip of land in connection therewith or any other materials connected with or facilitating the exercise or performance of UÉ of any of its functions or powers and for the purposes of gaining access to any lands affected by same for the purposes aforesaid.

I/We note that the IDD Deed of Wayleave and Easement will be prepared by UÉ at its own expense.

I/We note that on the signing of this agreement UÉ will make a non-refundable advance payment to me / us of €_____ (**Advance Payment**) in respect of the permanent right of way, subject to the establishment by me/us of satisfactory evidence of title to the reasonable satisfaction of UÉ's legal advisor.

Subject to UÉ receiving all the necessary statutory consents for the Project including planning permission (if applicable) and the exercise by UÉ of the option a balancing payment of €_____ (**Balancing Payment**) will be made to me/us by UÉ subject to receipt of satisfactory responses to requisitions on title issues by UÉ's Solicitors and the execution of the *IDD Deed of Wayleave and Easement* by me/us. I/We acknowledge that in the event of any of the statutory consents including planning permission (if applicable) not issuing to UÉ or UÉ not exercising the option, there will be no further payments made to me/us and that the only payment that I/we will receive in that event is the **Advance Payment**.

I/we further acknowledge that UÉ may opt to postpone the request to me/us to execute the IDD Deed of Wayleave and Easement. If I/we are not requested to execute the IDD Deed of Wayleave and Easement at the time the Balancing Payment falls due we agree to execute the IDD Deed of Wayleave and Easement when requested to do so by Uisce Éireann.

It is acknowledged that the agreement to grant the right of way as detailed in this agreement will bind my/our successors in title and assigns and that if I/we sell the land that is subject to the proposed easement that I/we will:

- (i) notify the purchaser of the provisions of this agreement; and
- (ii) contractually bind the purchaser to grant the right of way in the form of the IDD Deed of Wayleave and Easement to UÉ upon completion of the Project in accordance with the terms of this agreement.

I acknowledge and accept that upon exercise of the option by UÉ this agreement can be deemed to be a Consent for the purposes of Section 97 of the Water Services Act, 2007 and that UÉ may register this Consent pursuant to Section 97(7) of the Water Services Act, 2007 and I hereby assent to the registration of this agreement in either the Land Registry or the Registry of Deeds as may be appropriate.

It is further acknowledged that the rights and obligations of the parties as detailed and set out in this agreement remains in full force and effect and shall not be deemed to be merged or discharged by

the grant of the IDD Deed of Wayleave and Easement with regard to anything to be enjoyed, done, performed or observed under this agreement and not provided in the IDD Deed of Wayleave and Easement .

Landowner

Signed: _____

Date: _____

Witness: _____

Joint Landowner (If applicable)

Signed: _____

Date: _____

Witness: _____

Landowners Solicitor

Solicitor's Name: _____

Solicitor's Address: _____

Please return one copy of the completed documentation to Byrne Wallace, 88 Harcourt Street, Dublin 2.

The closing date for receipt of the signed agreement is 2nd October 2023.

Note: If there is a leaseholder or occupying tenant, joint owners, joint leaseholders or joint tenants, please complete as appropriate or inform UÉ.

10015237 Kilkee Wastewater Treatment Plant Scheme
(the “Project”)

TEMPORARY WORKING AREA OPTION AGREEMENT

Brideford Properties Limited
Beechmount House,
Rathkeale,
County Limerick

Drawing No. IW/10015237/ACQ/0002

I/We _____ are the sole owner(s) / joint owner(s) / leaseholder(s)/ occupying tenant(s) of the land shown on the drawing no. IW/10015237/ACQ/0002 received from Uisce Éireann (UÉ) (the Drawing), a copy of which is attached hereto. The Working Strip is coloured Green on the drawing.

The land is used for the following purposes: _____

I/We grant to UÉ the irrevocable option of acquiring, at any time after the date hereof, a Licence to use the Working Strip (as per the form of Licence ("the Licence") attached hereto) facilitating the exercise or performance of UÉ of any of its functions or powers which may be subject to minor re-routing to meet particular construction, engineering, planning, archaeological and other requirements for same, of the width specified below and as indicated on the enclosed plan

Width of Working Strip - 20 metres

The width of the Working Strip may be varied to meet the particular requirements along the route.

The said option shall be exercisable by 28 days' notice in writing sent by UÉ to me/us, or by the solicitors acting for UÉ to my/our solicitor, at any time, and shall be deemed to have been exercised (if not already exercised) by UÉ on the day that UÉ enter onto the Working Strip after notice, provided always that the service of such notice or such entry onto the lands has occurred within five years from the date hereof.

I/We (if applicable) consent to the planning application being made by Uisce Éireann and Uisce Éireann liaising with the Planning Authority for the development of said lands.

In consideration of the advance payment (as hereinafter specified) to be made to me/us under the terms aforesaid, I/We forthwith irrevocably consent and authorize UÉ, its servants, agents, consultants and contractors with or without vehicles and/or machinery to gain access to and to enter upon the Working Strip for the purposes of facilitating the exercise or performance of UÉ of any of its functions or powers as more particularly detailed in the Licence.

I/We note that on the signing of this agreement UÉ will make a non- refundable advance payment to me / us of €_____ (**Advance Payment**) in respect of the Licence, subject to the establishment by me/us of satisfactory evidence of title to the reasonable satisfaction of the UÉ's legal advisor.

Subject to UÉ receiving all the necessary statutory consents for the Project including planning permission (if applicable) and the exercise by UÉ of the option a balancing payment of €_____ (**Balancing Payment**) will be made to me/us by UÉ subject to receipt of satisfactory responses to requisitions on title issues by UÉ's Solicitors and the execution of the Licence by me/us. I/We acknowledge that in the event of any of the statutory consents including planning permission (if applicable) not issuing to UÉ or UÉ not exercising the option, there will be no further payments made to me/us and that the only payment that I/we will receive in that event is the **Advance Payment**.

I/we further acknowledge that UÉ may opt to postpone the request to me/us to execute the Licence. If I/we are not requested to execute the Licence at the time the Balancing Payment falls due we agree to execute the Licence when requested to do so by Uisce Éireann at any time within five years from the date of this agreement.

It is acknowledged that the agreement to grant the Licence as detailed in this agreement will bind my/our successors in title and assigns and that if I/we sell the land that is subject to the proposed Licence that I/we will:

- (i) notify the purchaser of the provisions of this agreement; and
- (ii) contractually bind the purchaser to grant the Licence to UÉ upon completion of the Project in accordance with the terms of this agreement.

I acknowledge and accept that upon exercise of the option by UÉ this agreement can be deemed to be a Consent for the purposes of Section 97 of the Water Services Act, 2007 and that UÉ may register this Consent pursuant to Section 97(7) of the Water Services Act, 2007 and I hereby assent to the registration of this agreement in either the Land Registry or the Registry of Deeds as may be appropriate.

It is further acknowledged that the rights and obligations of the parties as detailed and set out in this agreement remains in full force and effect and shall not be deemed to be merged or discharged by the grant of the Licence with regard to anything to be enjoyed, done, performed or observed under this agreement and not provided in the Licence

Landowner

Signed: _____

Date: _____

Witness: _____

Joint Landowner (If applicable)

Signed: _____

Date: _____

Witness: _____

Landowners Solicitor

Solicitor's Name: _____

Solicitor's Address: _____

Please return one copy of the completed documentation to Byrne Wallace, 88 Harcourt Street, Dublin 2.

The closing date for receipt of the signed agreement is **2nd October 2023.**

Note: If there is a leaseholder or occupying tenant, joint owners, joint leaseholders or joint tenants, please complete as appropriate or inform UÉ.

LICENCE AGREEMENT

BETWEEN

BRIDEFORD PROPERTIES LIMITED

THE LICENSOR

AND

**UISCE ÉIREANN
UÉ**

**10015237_Kilkee Wastewater Treatment Plant Scheme
PROJECT NO. 10015237**

UE Drawing No. IW/10015237/ACQ/0002

This agreement is dated

2023.

PARTIES

- (1) **Brideford Properties Limited** of Beechmount House, Rathkeale, County Limerick (hereinafter call the "Licensor") which expression where the context so admits or requires shall include his Executors, Administrators and Assigns); and
- (1) **UISCE ÉIREANN** limited by shares a company incorporated in Ireland (registered no. 530363), whose registered office is situate at Colvill House, 24-26 Talbot Street, Dublin 1 (hereinafter called "UE" which expression where the context so admits or requires shall include its successors and assigns)

BACKGROUND

- (A) This Licensor is seized and possessed of the Working Strip for the tenure mentioned in the First Schedule hereto.
- (B) UE is a designated activity company limited by shares and registered under the Companies Acts, 1963 to 2014, pursuant to Section 4 of the Water Services Act 2013 and is a water services Authority for the purposes of the Acts.
- (C) The Licensor has agreed with UE to grant to it for the purposes of its functions the rights and licences hereinafter set forth and upon treaty for such grant it was agreed that UE and the Licensor would give to the other of them the several covenants hereinafter contained on the part of each of them UE and the Licensor to the intent that the said covenants would be binding on their respective successors in title
- (D) The Licensor has consented to UE entering onto the Working Strip for the purposes of the Works
- (E) In consequence of the above, and in consideration of the sum of €[] paid by UE to the Licensor (receipt of which is acknowledged), the Parties have agreed as follows:

AGREED TERMS

1 INTERPRETATION

The following definitions and rules of interpretation apply in this Licence Agreement.

1.1 Definitions:

- (i) "Accessories" has the same meaning as in the Acts.
- (ii) "The Acts" means the Water Services Acts 2007 to 2014.
- (iii) "Water Services" has the same meaning as in the Acts.
- (iv) "The Land" means the land of the Grantor specified in the First Schedule hereto.
- (v) "The Pipeline" means any water main or water mains, sewer or sewers as defined

in the Acts or Pipe or Pipes referred to in Clause 1 hereof which have been laid or are to be laid near the Working Strip and includes part of any such water main sewer or Pipe or any apparatus equipment or other thing (or part thereof) which is ancillary to any of them whether moveable or permanent or which assists in the inspection placement maintenance repair replacement rendering unusable or servicing of any water main or sewer or Pipe or any of them and which are required for Water Services.

- (vi) "Pipe" has the same meaning as in the Acts.
- (vii) "the Working Strip" means the strip of land more particularly delineated and described on the plan hereto annexed and thereon coloured yellow and forming part of the Licensor's land which may be subject to minor re-routing.
- (viii) "Party" means the Licensor or UE as appropriate and Parties means both the Licensor and UE.
- (ix) "Term" has the meaning provided in Clause 4 of this Licence Agreement.
- (x) "Working Day" means any day other than Saturday or Sunday when the banks in Ireland are generally open for business.
- (xi) "Works" means all works by Uisce Éireann in the exercise or performance of its functions or powers including without prejudice to the generality of the foregoing the laying, operating and maintain the pipeline located in the vicinity of the Working Strip

- 1.2 Clause, Schedule and paragraph headings shall not affect the interpretation of this Licence Agreement.
- 1.3 The Schedules form part of this Licence Agreement and shall have effect as if set out in full in the body of this Licence Agreement. Any reference to this Licence Agreement includes the Schedules.
- 1.4 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 1.5 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.
- 1.6 A reference to writing or written includes fax but not e-mail.
- 1.7 A reference to this Licence Agreement or to any other agreement or document referred to in this Licence Agreement is a reference to this Licence Agreement or such other agreement or document as varied or novated (in each case, other than in breach of the provisions of this Licence Agreement) from time to time.

1.8 Unless the context otherwise requires, references to clauses and Schedules are to the clauses and Schedules of this Licence Agreement and references to paragraphs are to paragraphs of the relevant Schedule.

1.9 Any words following the terms including, include, in particular, for example or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms.

2 CONSENT TO ENTER THE WORKING STRIP

2.1 The Licensor hereby grants a licence to UE, its agents, consultants, contractors, sub-contractors and employees entering onto the Working Strip for the purposes of:

2.1.1 facilitating the exercise or performance by UE of any of its functions or powers in connection with Water Services

2.1.2 and for the purposes of any similar works of UE contiguous to the Pipeline or the Working Strip

2.2 UE agrees:

2.2.1 In exercising the rights easements and licences hereby granted to take all reasonable precautions to avoid obstruction or interference with the user of the Land and damage and injury thereto.

2.2.2 So far as is reasonably practicable and with all practicable speed to make good all damage or injury to the Land caused by the exercise by UE of the rights and licences hereby granted.

2.2.3 To indemnify and keep indemnified the Licensor his servants, agents, licencees and invitees against all sums in respect of loss or damage, claims, demands, costs and expenses which the Licensor shall become legally liable to pay as compensation for accidental bodily injury or accidental loss of or damage to property where such injury or damage directly attributable to any default or negligence on the part of UE other than in consequence of the breach by the Licensor of any of the Licensor's covenants set out in Clause 3 below or in consequence of any malicious act or omission of the Licensor or any person for whom the Licensor is responsible in law.

PROVIDED that the Licensor shall (i) as soon as reasonably practicable give notice in writing to UE of any claim or action brought or threatened against the Licensor and (ii) not admit liability in respect of, nor settle or compromise, such action or claim as is referred to in sub-clause 2.2.3 above without the prior written consent of UE. UE may at its own expenses defend any such action or claim in the name of the Licensor

3 LICENSOR AGREES

3.1.1 Not to do or cause deliberately or recklessly permit or suffer to be done on the Land anything calculated or likely to interfere with the exercise by UE of the rights hereby granted.

- 3.1.2 Not without the prior consent in writing of UE (such consent not to be unreasonably withheld) to excavate under or alter the level of the ground over or under the Working Strip or to make or cause or recklessly permit or suffer to be made any material alteration to or any deposit of anything upon any part of the Working Strip so as to interfere with or obstruct the access thereto.

Not to erect or install or cause or recklessly permit or suffer to be erected or installed any building, structure or other erection or any plant or permanent apparatus of any kind whatsoever or permanent apparatus or the carrying out of any works on, over or beneath the surface of the Working Strip or the making of any material change in the use of the Working Strip.

4 TERM AND TERMINATION

- 4.1 This Licence Agreement shall enter into force upon the date hereof and shall remain for a period of [] years from the date of this Licence Agreement, unless sooner determined by UE (the Term).
- 4.2 UE shall have a right to determine this Licence Agreement at any time upon not less than 14 days' notice in writing to the Licensor.
- 4.2 Upon the expiry or termination of this Licence Agreement, UE shall reinstate the Working Strip to the same condition as it was prior to execution of this Licence Agreement unless otherwise agreed in writing between the Parties.

5 NOTICES

- 5.1 Any notice given under or in connection with this Licence Agreement must be in writing and must be delivered by hand or sent by pre-paid post or other next working day delivery service. A correctly addressed notice delivered by hand shall be deemed to have been delivered at the time the notice is left at the proper address. A correctly addressed notice sent by pre-paid post or other next working day delivery service will be deemed to have been delivered on the second working day after posting.
- 5.2 Notices shall be delivered to the addresses provided for each Party on page 1 of this Licence Agreement.

6 SPOUSE

- 6.1 If anyone (hereinafter referred to as "the spouse") of joint Licensors shall have no proprietary interest legal or equitable in or claim to the land specified in the First Schedule hereto and shall have been joined solely for the purpose of satisfying the provisions of the Family Home Protection Act 1976, these presents shall be deemed to have been executed by the spouse solely for the purpose of signifying his or her consent to the within Licence and to payment of the consideration by UE to the other spouse and the spouse shall not by reason only of having

executed these presents be liable for the performance by the other spouse of his or her obligations hereunder.

7 GOVERNING LAW

- 7.1** This Licence Agreement and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the laws of Ireland.

8 DISPUTE

- 8.1** Any dispute arising under, or in connection with or arising out of Clauses 2 or 3 of this Licence shall, in default of agreement between the parties, be referred by written notice from either party to the decision of a single arbitrator to be agreed upon between the parties hereto, or failing agreement to be appointed on the application of either party by the President of the Law Society of Ireland. Any such reference to arbitration will be a submission to arbitration within the meaning of the Arbitration Act, 2010, or any Act amending or repealing same and shall be an arbitration conducted in Ireland and in the English language and shall be governed by the Arbitration Act, 2010 subject to the provisions of this Clause 4.
- 8.2** The arbitrator shall on the request of either party hereto, at the sole cost of the requesting party, provide a reasoned award.

9 JURISDICTION

- 9.1** Each party irrevocably agrees that the courts of Ireland shall have exclusive jurisdiction to settle any dispute or claim arising out of or in connection with this Licence Agreement or its subject matter or formation (including non-contractual disputes or claims).

This document has been executed and takes effect on the date stated at the beginning of it.

IN WITNESS whereof the Grantor has signed his name and Uisce Éireann has affixed its seal the day and year first herein written.

|

|

SIGNED AND DELIVERED
AS A DEED by the **LICENSOR**
in the presence of:-

Witness:

Witness Occupation: Witness Address:

Given under the common seal of
UISCE ÉIREANN
in the presence of:-

Director

Director/Secretary

SCHEDULE 1

THE LAND

[PROPERTY DESCRIPTION]

SCHEDULE 2

THE DRAWING

[DRAWING NO. IW/10015237/ACQ/0002]

Kilkee Wastewater Treatment Plant

Site Selection Report (May 2025)



Turley

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1. Introduction

- 1.1 Turley¹ has been instructed by Uisce Éireann² (UÉ) to prepare this Kilkee Wastewater Treatment Plant Site Selection Report (May 2025). This report will be submitted as evidence to support an application to An Bord Pleanála for the compulsory acquisition of land for the Kilkee Wastewater Treatment Plant (WWTP) scheme.
- 1.2 This report updates the Kilkee Wastewater Treatment Plant Site Selection Report (November 2021) to reflect changes in land conditions, infrastructure, planning policy, or planning applications since its publication. The aim of this 2025 Site Selection Report is to confirm whether the findings of the 2021 site assessment process remain robust and valid to support the compulsory purchase order (CPO) application. The basis of the site selection process, including the methodology for the assessment, the area of search, and the development proposal, has not changed.
- 1.3 Within this context, this report has regard to changes to the land, infrastructure or planning context since November 2021, specifically:
- Updates to land conditions, infrastructure, planning policy or planning applications;
 - Updated evidence submitted with the planning application³ for Kilkee Wastewater WWTP determined by Clare County Council (CCC) on 16 October 2024 (CCC Reg. Ref. 2460002). This includes submissions made by members of the public, including in relation to possible alternative sites for the development proposal; and
 - Updated evidence from the subsequent first-party planning appeal to An Bord Pleanála, which was lodged on 12 November 2024 and is not determined at the time of writing this report (ABP Case Ref, PL03.321258).

¹ 4 Pembroke Street Upper Dublin 2 Dublin D02 VN24

² Colvill House, 24-26 Talbot St, Mountjoy, Dublin, D01 NP86

³ Including the response to the request for further information

2. Approach to Site Selection

- 2.1 This site selection process comprises a 5-stage approach, which is undertaken for all UÉ projects in accordance with its technical guidance document, 'IW-AD-PD-GL-008: A Guide to Site and Route Selection'.
- 2.2 The five site selection stages are illustrated in **Figure 2.1** below. These provide a robust and structured methodology to assess site options for the delivery of the proposed development.

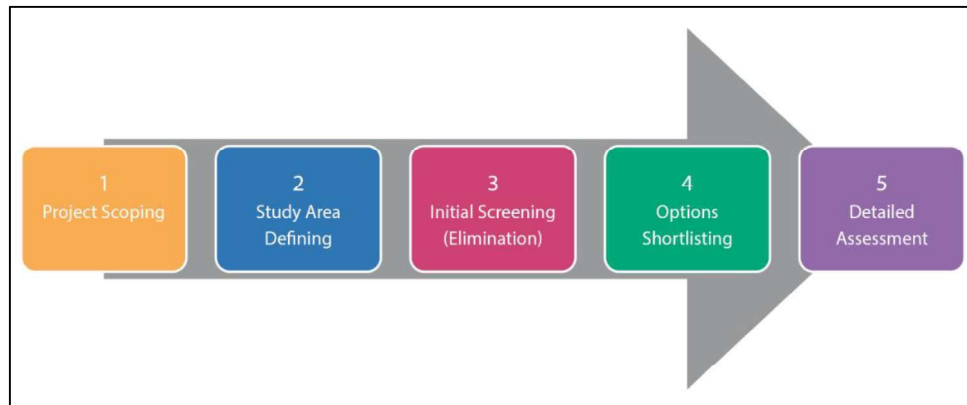


Figure 2.1: Stages of the Site Selection Process

- 2.3 This approach ensures that the critical criteria for the assessment process are met and documented in a non-exhaustive list of sub-criteria for shortlisting sites in the selection process.
- 2.4 The following sections of this report outline the response to each stage of the site selection process for the proposed Kilkee WWTP.

3. Stage 1: Project Scoping

3.1 Overview

- 3.1 This section outlines the project need and technical requirements for the proposed development. This information forms the basis for the site selection process and the evaluation of sites for the proposed WWTP scheme. It follows the technical guidance note UÉ Guide to Route and Site Selection (IW-AD-PD-GL-008).

3.2 Project Context

- 3.2 Kilkee is not currently served by a WWTP. It is currently served by a combined wastewater network, which conveys untreated flows to Victoria Pumping Station (PS). The untreated flows are then pumped to the existing outfall location at Intrinsic Bay west of Kilkee via two rising mains (the existing outfall discharges to the sea within Kilkee Reefs SAC). As a result, untreated wastewater is discharged into coastal waters, which is no longer acceptable.
- 3.3 UÉ is seeking to rectify the existing problem in Kilkee by constructing a new WWTP and pumping station, and undertaking associated wastewater network upgrades to provide wastewater treatment for the agglomeration to the standard required by the Urban Waste Water Treatment Directive (UWWTD).
- 3.4 The proposed WWTP will protect environmental water quality and manage the availability, resilience, and efficiency of wastewater services in Kilkee, both now and in the future. This accords with Strategic Objectives WW1, WW2, and WW3 of UÉ's Water Services Strategic Plan: A Plan for the Future of Water Services (WSSP).
- 3.5 Investing in wastewater quality and capacity is also a key objective of UÉ's Business Plan. Addressing the wastewater treatment deficiencies in Kilkee is a high priority for UÉ. As a result, the proposed works are included in UÉ's Capital Investment Plan for 2020-2024.
- 3.6 The town of Kilkee is described in Volume 3(d) of the Clare County Development Plan (CCDP, 2023-2029) as follows:
- "Kilkee is identified in the Clare settlement hierarchy as a Small Town, and its role as an important service centre and tourism resort is recognised. The town is a popular, well-established Victorian seaside resort situated on the picturesque Moore Bay on the Wild Atlantic Way....There was significant growth in Kilkee in the 1990s and 2000s, primarily tourism-related developments in the form of holiday homes, apartments, hotels, serviced accommodation, and tourism-related leisure facilities. There is a large influx of tourists during the summer season."*
- 3.7 CCDP 2023-2029 confirms that Kilkee saw significant growth in the 1990s and 2000s, primarily in the tourism sector. In recent years, the pace of growth has slowed, with a minor increase in the population between the 2011 and 2022 Censuses. At the 2011 Census, the population was 1,037 people and at the 2022 Census, the population was 1,214 people. This is an increase of 117 people, which equates to an 17.06% increase

- 3.8 The Core Strategy in Volume 1 of the CCDP 2023-2029 predicts that the population of Kilkee will increase to 1,631 people by 2029. This is an increase of 417 persons from 2022, which equates to a 34.84% increase.
- 3.9 Of the population of 1,214 people, on the Census night in 2022, 510 houses were occupied (30%), eight houses were temporarily absent (0.5%), 65 houses were vacant (4%), and 1,109 houses were unoccupied holiday homes (65.5%). This translates into a 70% vacancy rate, which is also reported in Volume 3(d) of the CCDP 2023-2029, which describes the influence of tourism on Kilkee as follows.

“...the 2016 Census records, recorded just over 72% vacancy in Kilkee on the night of the census. However, the demand for holiday accommodation has led to a shortfall in the provision of permanent, social, and affordable housing in the town. Furthermore, the reliance on the tourism industry, which at present is seasonal in nature, has resulted in the town being seasonally quiet, which can have a negative impact on the character of the area.”

3.3 Project Need

3.10 The need for the project is summarised as follows:

- The UÉ's WSSP seeks to effectively manage water services, including wastewater, throughout Ireland.
- Kilkee is currently served by a combined wastewater network, which conveys untreated flows to Victoria Pumping Station. The untreated flows are then pumped to the existing outfall location at Intrinsic Bay, west of Kilkee, via two rising mains. The existing outfall discharges into the sea within the Kilkee Reefs SAC.
- Therefore, Kilkee is not currently served by any wastewater treatment infrastructure, resulting in untreated wastewater being discharged into coastal waters, which is unacceptable under both European and National standards.
- Investing in wastewater quality and capacity is a key objective of UÉ's Business Plan, and addressing the wastewater treatment deficiencies in Kilkee is a high priority for UÉ. Indeed, the proposed works were included in UÉ's Capital Investment Plan for 2020-2024 and are currently included in UÉ's Capital Investment Plan 2025-2029.
- In accordance with Strategic Objectives WW1, WW2 and WW3 of UÉ's WSSP, the proposed development is designed to provide a WWTP in Kilkee, which protects environmental water quality and manages the availability, resilience and efficiency of wastewater services in Kilkee both now and into the future.
- Investment in, and delivery of, new and upgraded wastewater treatment infrastructure is required under:
 - 'National Strategic Outcome 9 - Sustainable Management of Water, Waste and other Environmental Resources' of the draft Revised National Planning Framework;
 - 'Regional Policy Objective 211 - Irish Water and Wastewater' of the Southern Regional Assembly's Regional, Spatial and Economic Strategy;

- Regional Policy Objective 212 of the Southern Regional Assembly's Regional, Spatial and Economic Strategy; and
- Development Plan Objective 'CDP11.32 – Wastewater Treatment and Disposal' of the CCDP 2023 – 2029.
- The CCDP 2023-2029 confirms that *"All future development in Kilkee will be contingent upon the provision of adequate wastewater treatment..." [our emphasis].*
- The CCDP 2023-2029 advises that *"The maintenance, upgrading and provision of the County's wastewater drainage system is essential to accommodate future development requirements and to ensure the sustainable development and environmental protection of the County."*
- The proposed development will deliver essential infrastructure to cater to the existing population's wastewater needs, enable Kilkee's future residential, business and tourism growth ambitions, and end the unacceptable practice of discharging untreated wastewater directly into Intrinsic Bay.

3.4 Existing Infrastructure and Current Operations

- 3.11 Kilkee is served by a combined wastewater network, which conveys flows to Victoria Pumping Station, which is located at Victoria Park within the built-up area of Kilkee ('Existing Pumping Station' on **Figure 3.2** below). Victoria Pumping Station currently provides no screening prior to pumping flows via two rising mains ('Existing Pipework' on **Figure 3.1** below) to the outfall location at Intrinsic Bay ('Existing Outfall' on **Figure 3.3** below). This is c.1.7km in distance.
- 3.12 The two rising mains (twin HDPE rising mains) were installed in 2022 to run parallel to the old rising mains. The 2022 rising mains were constructed as emergency works by UÉ because the old rising main infrastructure was subject to frequent bursts and was no longer fit for purpose. The rising main replacement works were not connected to the Kilkee WWTP scheme. When the new twin rising mains were installed, foul water flows were transferred into the two new rising mains to discharge to the existing outfall at Intrinsic Bay, and the old infrastructure is no longer used. The rising mains installed in 2022 provide an updated characteristic from the 2021 Site Selection Report.
- 3.13 In normal operation, the flows enter the foul sump first. Once the foul pumps are at capacity, the flow overflows a dividing weir to the storm sump, supplementing the foul pumps' pumping capacity during storm flows.
- 3.14 The foul pumps are rated to deliver up to 60l/sec, with the storm pumps capable of delivering 145l/sec. Each pump set has a dedicated main; the foul rising main is 315mm in diameter, and the storm rising main is 400mm in diameter. Both rising mains discharge into a common header manhole, c.300m from the final outfall location at Intrinsic Bay.



Figure 3.1: Existing Victoria Park Pumping Station, Existing Outfall and Existing Pipework (Rising Mains)

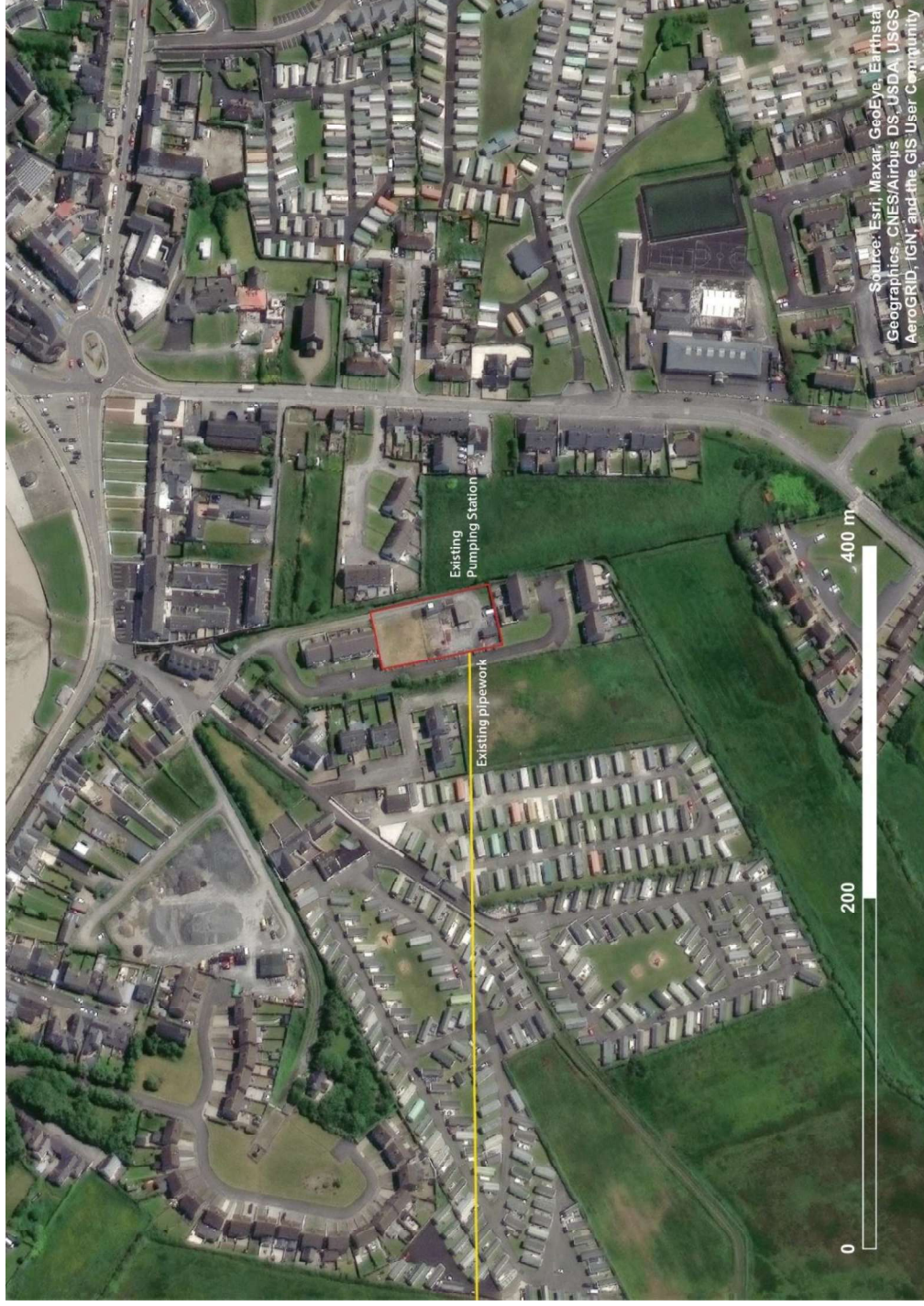


Figure 3.2: Existing Victoria Park Pumping Station



Figure 3.3: Existing Outfall

3.5 Technical Project Requirements

- 3.15 The Population Equivalent (PE) for Kilkee wastewater agglomeration determines the WWTP's required load and therefore its size. The PE has been calculated based on the Urban Wastewater Treatment Directive (UWWTD)⁴. This confirms a technical project requirement of 7,926PE for Kilkee, which includes an allowance for seasonal variations, future growth and development within the agglomeration for a 30-year design horizon.⁵.
- 3.16 The works package arising from this technical project requirement is described in the following three parts:
1. Part 1 - New foul pumping station adjacent to the existing Victoria Pumping Station;
 2. Part 2 - Construction of a new WWTP; and
 3. Part 3 - Route alignments for connecting pipework.

Part 1. New Foul Pumping Station at the existing Victoria Pumping Station

- 3.17 A new foul Pumping Station is required to pump all combined flows currently entering Victoria Pumping Station to the proposed WWTP Site. The current connection point at the existing Victoria Pumping Station is located at the lowest point of the sewer network, which avoids the need for further intermediate pump stations in the town. As a result, the new foul Pumping Station must remain in the vicinity of the lowest point of the sewer network at the existing Victoria Pumping Station.
- 3.18 The foul pumping station is also required to provide:
- An emergency storage tank;
 - Surge kiosk;
 - Washwater kiosk;
 - Odour control;
 - Control panel kiosk;
 - Standby generator;
 - Foul pumping station;

⁴ The UWWTD (Article 4, Para 4) defines the load of a WWTP: "*The load expressed in p.e. shall be calculated on the basis of the maximum average weekly load entering the treatment plant during the year*". One PE is defined as the organic biodegradable load having a five-day biochemical oxygen demand (BOD5) of 60g of oxygen per day. Therefore, one tourist visiting the town does not directly equate to a load of 1 PE arriving at the WWTP.

⁵ The technical project requirement of 7,926PE means that the plant is required to be designed to operate under 30-year winter loadings of 3,518 PE and 30-year summer loadings of 7,926 PE to balance the population fluctuations Kilkee experiences from tourism during summer months.

- Potable water/break tank kiosk;
- Gantries for pump and cleaning system removal;
- Underground internal site pipework, including surface water drainage and petrol interceptor;
- ESB building and panel room (c.36.2 sq. m. GFA); and
- Boundary treatment.

3.19 Taking all the technical project requirements into account, an overall site of 0.1014 ha is required for a new foul pumping station ~~at~~ adjacent to the existing Victoria Pumping Station. Technical requirements are 39m x 26m =1,014 sq. m. / 0.1014 ha

Part 2. Construction of a new WWTP

3.20 The new WWTP will provide primary treatment for the incoming flows from the new Foul Pumping Station at Victoria Park before being discharged to the existing outfall via a new outfall Pumping Station located within the proposed WWTP site. The proposed technical project requirements will consist of:

- Inlet works
- Stormwater storage and return pumping station
- Two primary settlement tanks
- Sludge storage
- Return liquors pumping station and
- Outfall pumping station

3.21 UÉ employs a standard method to calculate the load entering the WWTP on the basis of the maximum average weekly load for a given design horizon in line with the UWWTD requirements. This method, known as the Interim Load Methodology, is used by UÉ to calculate the proposed load/design rating for WWTPs throughout Ireland, and it was also used to calculate the proposed load/design rating for the Kilkee WWTP. The calculated load (in PE) for the proposed WWTP was initially derived from 2016 census data adjusted to allow for future growth and includes allowances for all residential populations (including permanent residents, holiday homes, mobile homes), as well as commercial premises, educational facilities, and tourism loads. The proposed load has been further verified using updated census data from 2022. The proposed design of 7,926PE incorporates an allowance for future growth and development within the agglomeration for a 30-year design horizon.

3.22 For a combined sewer network such as Kilkee, UÉ calculates maximum flow to the treatment plant (Formula A), for 30 years hence, in accordance with UÉ Standard IW-TEC-700-99-02. Firstly, Dry Weather Flow (DWF) is calculated based on population equivalent (PE), water consumption and infiltration. Formula A is calculated from a combination of DWF and an allowance of flow per PE (1360 litres per PE). For the Kilkee WWTP scheme Formula A = 12,563m³/day.

3.23 In addition to the technical/engineering process elements, the proposed WWTP site will also be required to provide the following:

- MCC kiosk;
- Picket fence thickener;
- Odour control plinth;
- Grit chamber;
- Potable water break tank booster set kiosk;
- Excess FFT chamber;
- FFT flow measurement chamber;
- PST flow splitting chamber;
- Gantries for pump and cleaning system removal;
- A control building (c.102.5sq. m. GFA);
- ESB building (c.36.2 sq. m. GFA);
- Standby generator, fuel tank;
- Solar panels; to comply with UE's obligation as a Public Sector body to reduce carbon emissions and provide a source of renewable energy for this project;
- Vehicle access, circulation and parking; and
- Landscaping and boundary treatment.

3.24 Taking all the technical project requirements into account, an overall site area of 150m by 80m (i.e., at least 1.2ha) is required to facilitate all of the proposed WWTP requirements.

Part 3. Route alignments for connecting pipework.

3.25 The rising mains installed in 2022 provide an updated site condition from the 2021 Site Selection Report. Depending on the selected site, a technical requirement will be to intercept flows via new connecting pipework, which could include new gravity sewers, rising mains, and a headwall.

3.5 Project Benefits

3.26 The benefits of the project are summarised as follows:

- End the unacceptable practice of discharging raw/unscreened wastewater directly into coastal waters at Intrinsic Bay and help protect water quality.
- Provide essential wastewater treatment for Kilkee in compliance with the Urban Wastewater Treatment Directive (2024), Water Framework Directive (2000) and Wastewater Discharge Authorisation Regulations (2007)
- Align with the sustainable development and environmental protection objectives contained in national, regional and local planning policy.

- Support the requirements of the Government of Ireland's Water Services Policy Statement 2018 – 2025.
- Manage the availability, resilience and efficiency of wastewater services in Kilkee to cater for existing wastewater needs.
- Enable Kilkee to achieve its current and future residential, business and tourism growth ambitions.

4. Stage 2: Study Area

4.1 Overview

- 4.1 This section outlines the definition of the study area (geographical catchment area), which provides a spatial context for developing feasible options and systematically assessing these options. This will lead to a preferred solution that will form the basis for a detailed design.
- 4.2 Mapping tools are used to spatially define the Study Area for the purposes of site selection. The project's technical requirements, existing infrastructure, physical/natural constraints of the surrounding area, and how these aspects interact with each other help inform and define the Study Area.
- 4.3 This accords with the UÉ Guide to Route and Site Selection (IW-AD-PD-GL-008).

4.2 Rationale for the Study Area

- 4.4 In defining a Study Area, the initial preference is to locate new wastewater infrastructure at the same location as or immediately adjacent to existing infrastructure to help maximise engineering efficiencies and reduce, as much as possible, any disruptions to the existing area in terms of impacts on the environment, ecology, residents, businesses, etc. This approach also seeks to reduce construction and operation costs as much as possible, which is a requirement for UÉ as a national service provider.
- 4.5 If it is not possible to locate the new infrastructure at the exact location of the existing infrastructure or immediately adjacent to it, the next preferred option is to locate the proposed infrastructure as close as possible to the existing infrastructure to secure as many positive outcomes as outlined above.
- 4.6 A sequential site assessment approach is utilised, which reviews and attributes a preference to sites based on proximity to existing infrastructure (e.g., within 100m, within 200m, and so on), availability, viability, and site suitability with respect to engineering, technical, financial, proper planning, and sustainable development considerations.
- 4.7 As noted previously in this Report, Kilkee benefits from an existing pumping station located at the lowest point of the sewer network, an existing outfall location, and 2022 twin rising mains connecting the pumping station to the outfall location. This existing infrastructure is critical in defining an appropriate Study Area for the proposed WWTP.
- 4.8 The construction and operation requirements of the proposed WWTP are also important considerations in defining an appropriate Study Area. For example, the need to minimise distances between the WWTP, discharge points, and pumping stations to reduce the potential for septicity and limit elevation changes, which can impact operational efficiency and increase disruptions/costs due to the requirement of additional infrastructure.

- 4.9 The points below highlight the need to reduce the potential for septicity⁶ in the design of a WWTP and associated wastewater infrastructure/network:
- Septic conditions can produce foul-smelling gases, such as hydrogen sulfide, which can create strong odours in and around the WWTP.
 - The presence of sulfide compounds in septic wastewater can accelerate corrosion of equipment and infrastructure in the WWTP, leading to plant disruptions and increased maintenance and repair costs.
 - Septic wastewater can contain high levels of organic matter and other contaminants that may be difficult to treat. This can reduce treatment efficiency and potentially lower the quality of effluent. It also requires more sludge dewatering and a greater sludge volume, which would increase tanker movements of sludge off-site.
 - Treating septic wastewater can require more energy-intensive processes, which would require a far more technical plant, such as increased aeration or chemical dosing. This would lead to higher energy consumption and operating costs.
- 4.10 Noting the above, line septicity can lead to adverse amenity and operational impacts on WWTPs. This understanding is a key consideration in designing and siting the WWTP and in defining a suitable study area for the site selection process.
- 4.11 The following natural, landscape, visual, amenity and tourism components were also identified early in the Kilkee WWTP site selection process as factors requiring careful consideration: the Kilkee Cliffs and pedestrian path; the local 'Heritage Landscape' and 'Scenic Route' designations; and the Wild Atlantic Way and Euro Velo Cycle Route along Dunlicky Road.

4.3 Defining the Study Area

- 4.12 In defining a suitable Study Area for the proposed WWTP, careful consideration has been given to the technical requirements and environmental designations to balance sensitively protecting the area's natural, landscape, amenity, and visual qualities with delivering a much-needed technically viable WWTP for Kilkee.
- 4.13 To achieve this balance, the site selection process for the Kilkee WWTP was based on a 500m Study Area from the existing wastewater infrastructure. **Figure 4.1** below identifies the extent of the Study Area for the site selection process. This was established based on the following principles that accord with UÉ Guide to Route and Site Selection (IW-AD-PD-GL-008).
- **IW Strategy requirements:** The town of Kilkee does not have a wastewater treatment plant, so untreated wastewater is discharged into coastal waters. Wastewater treatment to the standards set by the UWWTD is required.
 - **Existing and proposed IW infrastructure:** The existing infrastructure that the proposed Pumping Station and WWTP are required to connect to includes Victoria Pumping Station, the 2022 rising mains, and the existing discharge point at Intrinsic Bay. These create

⁶ Septicity refers to the presence of septic conditions, such as the accumulation of organic matter and the production of toxic compounds, in the wastewater collection system.

locational determinants which define the study area in conjunction with the required site areas of 0.1014 ha for the proposed pumping station and 1.2 ha for the WWTP.

- **Resilience requirements:** Resilience depends on several factors, including the sustainability of the site and proposal. The 'proximity principle' for hazardous waste management, as outlined in Objective 3 of the EPA's National Hazardous Waste Management Plan (2021-2027), requires hazardous wastes to be treated as close to their point of production as possible, including the need for specialised installations in an Irish context. This means the development should be located near the population it serves (in this case, the town of Kilkee) and its existing infrastructure, providing benefits including:
 - **Septicity in the network:** When wastewater travels long distances, foul-smelling gases and sulphide are generated, potentially requiring additional treatment.
 - **Environmental emissions:** Significantly lower carbon emissions are associated with pumping wastewater over shorter distances.
 - **Public costs:** Proximity to the load centre results in lower operating costs, and using existing infrastructure/wayleaves lowers capital costs.

4.14 Considering all this, the study area establishes a **500m buffer area** to maintain a reasonable distance from the treatment source (the town of Kilkee) and associated infrastructure. This meets UÉ strategy and development requirements, including resilience, the proximity principle, network septicity, environmental emissions, and public costs related to new infrastructure and third-party land acquisition. It avoids abnormal/excessive costs while avoiding environmental harm and ensuring its protection.

4.4 Constraints and locational flexibility

4.15 As outlined in Step 3 (Initial Screening) below, it is acknowledged that Kilkee and its rural environs present an environmentally constrained context, including several environmental features of international, national, and local significance. That said, the study area (500m from existing infrastructure) is deemed to provide sufficient locational flexibility to meet the **Technical Project Requirements (Section 3.5 above)** due to:

- The study area provides enough available land to ensure that the WWTP will be setback from, and not located within, any protected landscape areas to reduce potential natural, landscape, amenity, tourism or visual impacts;
- The 'proximity principle' requires new wastewater treatment to be located as close as possible to the source, using existing infrastructure to minimise septicity, environmental emissions, and public costs.
- It enables existing wayleaves and wastewater infrastructure to be utilised to reduce environmental disturbance, construction/operation costs and energy consumption;
- An appropriate level of access can be provided for the proposed WWTP; and
- A technically viable wastewater treatment and pumping solution will be delivered for Kilkee.



Figure 4.1: Aerial View Annotated by Turley to Show the Extent of the Study Area

5. Stage 3: Initial Screening

5.1 Overview

- 5.1 The purpose of Step 3 is to identify parts of the study area where there could be a significant constraint to project development and avoid these where possible or appropriate (i.e., discount / eliminate from further consideration). This step entails identifying the relevant constraints and collecting data to an appropriate level of detail applicable to the project. This is primarily a desktop exercise; however, it may be necessary to verify the nature and extent of certain constraints by means of windshield or walkover surveys.
- 5.2 The identification of constraints should focus on what constraints exist that could influence the project; therefore, they should have particular relevance to the project and study area. A constraint is any physical, topographical, environmental, ecological, engineering, technical, legal, financial, or other consideration which may potentially affect, limit, restrict or confine the location or other aspect of the proposed development within the Study Area.
- 5.3 The intention of this stage is to identify and eliminate/discount sites precluded from being developed for a wastewater treatment plant due to identifiable constraints. Following this process, a map identifies lands not subject to constraints that will be considered during the next stage of the site selection process.
- 5.4 This approach accords with UÉ's Guide to Route and Site Selection, IW-AD-PD-GL-008.

5.2 Methodology

- 5.5 This section of the Report was informed by a site visit performed on 17 July 2021. The site visit was undertaken to identify and assess the key constraints in their natural environment. The relevant constraints have been identified, and their data have been collected and correlated to determine how they apply to the proposed development.
- 5.6 A policy and guidance-centred approach informed the analysis undertaken in this initial screening process. Relevant designations, policies, and objectives for the area were identified, along with any potential issues or constraints.
- 5.7 This section's output is a graphical representation of the identified constraints. This will inform the next stage in the site selection process, Stage 4 (Option Shortlisting), by identifying residual land parcels that can be considered in further detail.

5.3 Key Constraints

5.3.1 Planning policy

- 5.8 CCDP 2023-2029 is now the Development Plan for the search area. Two sites within Kilkee town are zoned for 'Utilities': the existing Victoria Pumping Station site (UT2) and the lands identified by UT1 on the zoning map. Otherwise, the proposed land use

of wastewater treatment facilities and pumping stations is not listed in the Indicative Land Use Zoning Matrix. The following extracts from the CCDP 2023-2029 are of relevance in this regard.

“19.5.4 Uses Not Listed in the Indicative Zoning Matrix Proposed land-uses which are not listed in the indicative land-use zoning matrix will be considered on a case-by-case basis having regard to the proper planning and sustainable development of the area and compliance with the relevant policies and objectives, standards and requirements as set out in this Clare County Development Plan 2023-2029, guidelines issued in accordance with Section 28 of the Planning and Development Act, 2000, as amended and guidance issued by other government bodies.”

5.9 The following objectives from CCDP Volume 1 are of relevance to the search area and specifically the constraints listed in **Table 5.1 (Key Constraints in the Study Area)**:

- | | |
|--|--|
| • CDP2.6 Flood Risk Assessment and Management | • CDP14.2 Settled Landscapes |
| • CDP2.8 Floods Directive & CFRAMS | • CDP14.5 Heritage Landscapes |
| • CDP2.10 Flood Relief Schemes | • CDP14.6 Seascape Character Areas |
| • CDP2.11 Storm Water Management | • CDP14.7 Scenic Routes |
| • CDP4.6 Small Towns | • CDP15.3 European Sites |
| • CDP4.13 Planned Growth of Settlements | • CDP15.5 Natural Heritage Areas and proposed Natural Heritage Areas |
| • CDP9.6 Tourism Corridors | • CDP15.8 Non-Designated Sites and Biodiversity |
| • CDP9.25 Tourism in West Clare | • CDP15.9 Natural Heritage and Infrastructure Schemes |
| • CDP10.11 Recreational Routes | • CDP15.10 Environmental Impact Assessment |
| • CDP11.27 Water Resources | • CDP15.12 Biodiversity and Habitat Protection |
| • CDP11.32 Wastewater Treatment and Disposal | • CDP15.28 Dark Sky Reserve Designations |
| • CDP11.33 Strategic Wastewater Treatment Projects | • CDP16.8 Sites, Features and Objects of Archaeological Interest |
| • CDP11.41 Air Quality | • CDP16.10 Zones of Archaeological Potential |
| • CDP11.42 Light Pollution | |
| • CDP13.14 EU Bathing Water Directive | |

5.10 The CCDP Zoning Map 2023 to 2029 is provided in **Figure 5.1**.

5.3.2 Planning history

5.11 In April 2025, a desktop planning history review of CCC and An Bord Pleanála's online planning search mechanisms was undertaken. The outcome of this search is described as follows and depicted in **Figure 5.2**:

1. **CCC Reg. Ref. 07901:** On 28 August 1995, CCC granted Tommy O'Sullivan permission to construct 18 dwellinghouses in Castlefield, Kilkee.
2. **CCC Reg. Ref. 04753:** On 10 February 2005, CCC granted permission to Byrne O'Donnell to convert an existing field from agricultural use to a golf driving range, including a roofed area and floodlighting.
3. **CCC Reg. Ref. 071087:** On 19th Jun 2007, CCC granted Byrne O'Donnell permission to (a) retain and extend the existing cafe, (b) convert an existing dwelling to a shop, and (c) permission to retain alterations.
4. **CCC Reg. Ref. 9571:** On 2nd April 1995, CCC granted permission for the erection of a slatted house and silage base along the Dunlicky Road.
5. **CCC Reg. Ref. 2460002:** On 24 October 2024, CCC refused UÉ's 10-year permission for the development of a WWTP, which is the proposal that is the subject of this report.
6. **CCC Reg. Ref. 17754:** On 28th Nov 2017 CCC granted permission to Irish Water for the Kilkee Pumping Station site at Victoria Park, Kilkee to construct: a) an electrical substation building with client switch room/metering room (33sq.m), (b) a standby generator building (39sq.m) and associated site works and (c) a welfare building with toilet and office (20 sq. m) and associated site works.
7. **CCC Reg. Ref 2460126:** On 15th May 2024, CCC granted planning permission to Cunningham's Holiday Park to demolish and construct two semi-detached houses for managers' and caretakers' accommodation, associated works and services.

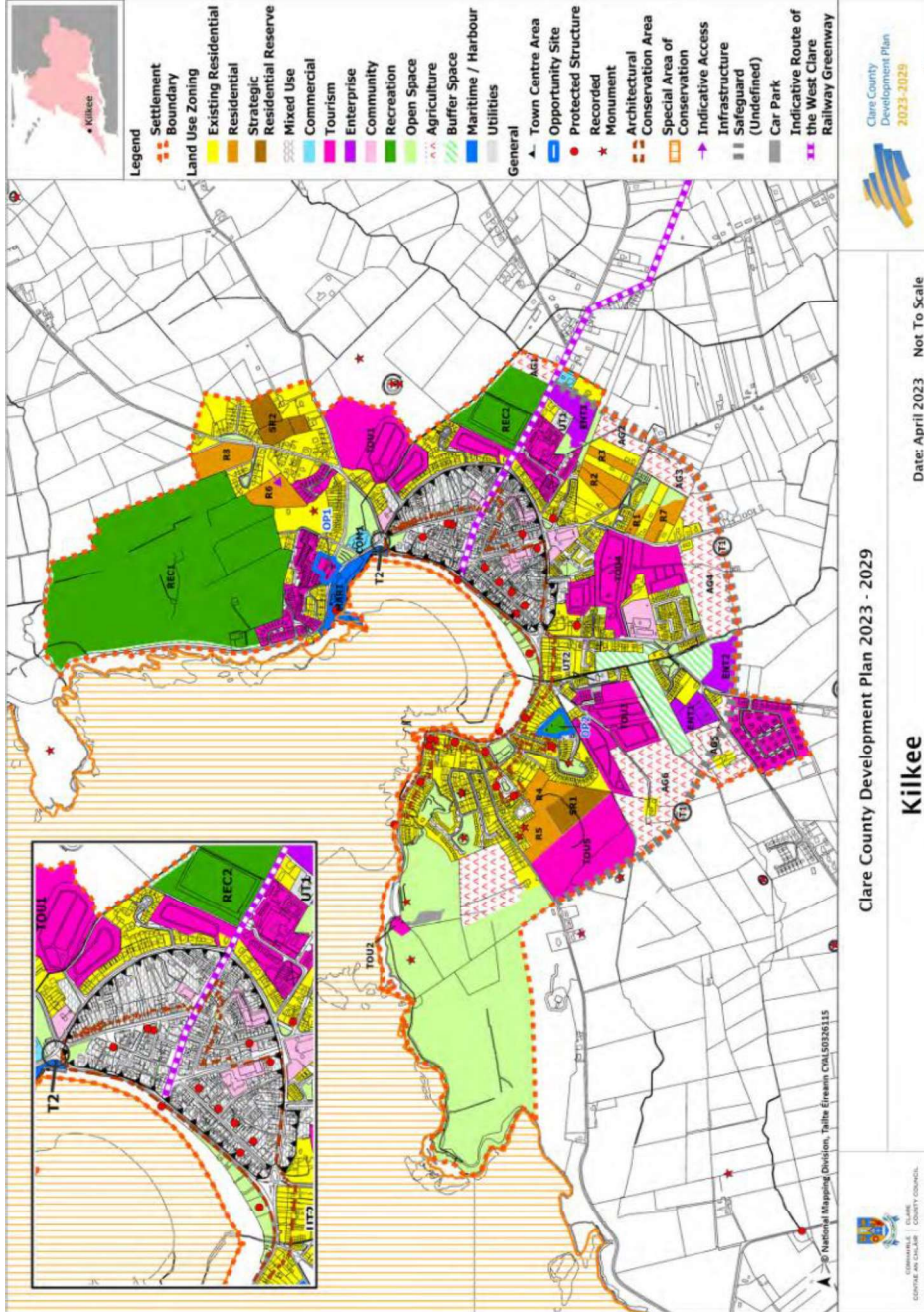


Figure 5.1: CCDDP Zoning Map 2023 to 2029



Figure 5.2: Planning history search

5.3.3 Key Constraints

5.12 **Table 5.1** identifies and details the key constraints within the Study Area.

Table 5.1: Key Constraints within the Study Area

Sub Criteria	Details
Environmental Constraints	
European Sites	Kilkee Reefs SAC is located adjacent to the existing outfall point. This SAC is designated for [1160] Large shallow inlets and bays, [1170] Reefs and [8330] Submerged or partially submerged sea caves. Illauronearaun SPA is located c.4km from the Study Area. This SPA is designated for [A045] Barnacle Goose (<i>Branta leucopsis</i>). Objective CDP15.3 European Sites of the CCDP 2023 to 2029 is of relevance to this environmental constraint.
Biodiversity	Kilkee Upper watercourse flows in an easterly direction through the Study Area, onto Kilkee beach and ultimately the Kilkee Reefs SAC. There is a land drain located in the Study Area. The majority of the Study Area is Improved Agricultural Grassland (GA1), with some maritime species present. Existing field boundaries and hedgerows have been identified throughout the Study Area. Emphasis is placed on retaining and minimising the distribution of any existing features. Objective CDP15.8 Non-Designated Sites and Biodiversity, CDP15.5 Natural Heritage Areas, proposed Natural Heritage Areas, and CDP15.12 Biodiversity and Habitat Protection are relevant to this environmental constraint, together with Objective CP15.9 Natural Heritage and Infrastructure Scheme in respect of the proposed development.
Noise & Odour	Residential/commercial properties are considered sensitive receptors for noise and odour. The Study Area includes properties in the town centre, along the Kilkee road network, and as one-off housing in the surroundings. The WWTP's operational noise and odour levels will be limited with the most appropriate guidance for this development.
Landscape & Visual	The field patterns, boundaries and roadways within this 'Peninsular Farmland' area contribute to the layout and visual appeal of the landscape. Emphasis is placed on retaining the landscape character and minimising the distribution of any existing features as much as possible. The landscape along the coastline of Kilkee is designated as a 'Scenic Route'. There are other designations present in the area, including a 'Settled Landscape' and a 'Heritage Landscape', which are designated in the CCDP 2023-2029. The Dunlicky Road forms part of the national 'Wild Atlantic Way' tourism route. Objective CDP14.2 Settled Landscapes, CDP14.5 Heritage Landscapes, CDP14.6 Seascape Character Areas, CDP14.7 Scenic Routes, CDP10.11 Recreational Routes, CDP11.42 Light Pollution and CDP15.28 Dark Sky Reserve Designations of the CCDP 2023 to 2029 are of relevance to this environmental constraint.

Geology & Hydrogeology	The Study Area is predominantly underlain by tills derived chiefly from Namurian sandstones and shales. Areas within the town are designated as Urban, and an area south of Victoria Pumping Station includes blanket peat. Aquifer classification in the study area is underlain by a locally important (LI) aquifer bedrock, which is moderately productive locally.
Hydrology	Groundwater vulnerability of the Study Area mainly falls within the moderate classification under National Groundwater Vulnerability Ireland. Subsoils are predominantly shale and sandstone till with low permeability. The maximum recharge capacity of the soil is approximately 95mm/year, and an effective rainfall of 631mm/year.
Archaeological, Cultural & Architectural Heritage	Kilkee has retained its unique character as a 19th-century bathing place. The town contains several protected structures and many fine buildings. A large area of the town centre is designated as an ACA, recognising the historical and architectural importance of the townscape and layout of the core area. A number of Recorded Monuments are located in the Study Area, primarily to the west of Kilkee town. The recorded Protected Structures within the Study Area are located within the built-up area of Kilkee town. Objective CDP16.8 Sites, Features and Objects of Archaeological Interest and CDP16.10 Zones of Archaeological Potential of the CCDP 2023 to 2029 are relevant to this environmental constraint.
Planning Constraints	
Land Use Zoning	As outlined above, the CCDP 2023-2029 identifies two sites within Kilkee town as being zoned for 'Utilities': the existing Victoria Pumping Station site (UT2) and the lands identified by UT1 on the zoning map. Otherwise, the proposed water services infrastructure is not included in the CCDP Land Use Zoning Matrix. All lands located within Kilkee's 'Settlement Boundary', as defined in the CCDP 2023-2029, are attributed a land use zoning, including 'Open Space', 'Tourism', 'Residential', 'Opportunity Site', 'Enterprise', etc. Lands outside of it are 'white land'. In respect of these uses, the Objectives of the CCDP 2023 to 2029, including CDP4.6 Small Towns, CDP4.13 Planned Growth of Settlements, CDP9.6 Tourism Corridors and CDP9.25 Tourism in West Clare, are of relevance to this environmental constraint.
Planning Policies & Objectives	Regarding water services policy and objectives, the CCDP supports and encourages the development of a WWTP and associated works in Kilkee (including the Study Area). Notwithstanding, a number of other related development and environmental policies/objectives must also be considered for proposed developments in the area. Objectives CDP11.27 Water Resources, CDP11.32 Wastewater Treatment and Disposal, CDP11.33 Strategic Wastewater Treatment Projects of the CCDP 2023 to 2029 are of relevance to this environmental constraint.
Planning History	A review of the planning history determined has been provided.
Population & Sensitive	The Study Area comprises various residential types, including permanent residential dwellings, farmhouses, and holiday homes (including caravan parks). These properties are considered to be sensitive receptors. Kilkee

Receptors	town is made up of permanent residences and holiday homes, with the edge of town consisting mainly of holiday homes and the surrounds predominantly housing. The population of Kilkee is identified as 1,214 as per the Census 2022, which is an increase of 242 people since 2016.
Material Assets	The existing Victoria Pumping Station is constrained by its size and proximity to residential properties. The existing outfall location currently discharges untreated wastewater directly into the Atlantic Ocean.
Neighbourhood Character	The Study Area is characterised by the coastal town of Kilkee and its agricultural and scenic surroundings. Kilkee town is a popular holiday destination, and it includes local and tourist accommodations, amenities, facilities, services, and attractions. Part of the Wild Atlantic Way runs along the coastline of Kilkee. Kilkee is also characterised by large portions of agricultural land and uses located west / south-west of the town. The lands comprise several one-off houses, agricultural buildings, and agricultural lands (and associated hedgerows/walls).
Traffic	An 'Undefined Infrastructure Safeguard' surrounds the town, identifying the potential location for a ring road linking the N67 at Kilkee Bay Hotel, running west to the Carrigaholt road, and linking with the coast road.
Road Safety	Adequate sight lines for the 'Undefined Infrastructure Safeguard'.
Geotechnical	Geology mapping of the Study Area shows sandstones and shales, with peat possibly in the vicinity of the existing Victoria Pumping Station.
Flood Risk	The ICPSS flood map shows a large flood area in Kilkee town, extending south and west into undeveloped land. Lands west of the Study Area are primarily outside the Flood Zone and not at foreseeable flood risk. Objectives CDP2.6 Flood Risk Assessment & Management, CDP2.8 Floods Directive & CFRAMS, CDP2.10 Flood Relief Schemes and CDP2.11 Storm Water Management are of relevance to this environmental constraint.
Access Road	The Victoria Pumping Station has existing access via a gravel lane. The roads surrounding the existing pumping station are private roads serving predominantly holiday homes. However, the majority of the Study Area to the west of Kilkee town will require some form of appropriately sized access road to allow for the operation of the WWTP.
Storm Conditions	Additional storm storage will be provided as part of the new development of the proposed foul pumping station. This will increase the current capacity of the existing Victoria Pumping Station site, as the original storage capacity will now be dedicated to the stream PS.
Service and utility connections	Further investigation is required regarding the availability of: a power supply, water supply,, and the avoidance of gas infrastructure.
Future Adaptation	Provision will be made for all proposed sites within the Study Area to add secondary treatment to the WWTP.

5.13 **Figure 5.3** plots the key constraints identified in **Table 5.1** on the Study Area. Please note: A buffer zone of 50m has also been applied to sensitive receptors within the Study Area in accordance with UÉ guidance. On this basis, lands located within or affected by key constraints (and their buffers) have been discounted from further consideration as part of the site selection process.

6. Stage 4: Option Shortlisting

6.1 Overview

- 6.1 Stage 4 (Options Shortlisting) entails identifying and qualitatively assessing land parcels and route corridors within the land not subject to key constraints. This is designed to narrow the options to be advanced for more detailed assessment. This approach accords with UÉ's Guide to Route and Site Selection, IW-AD-PD-GL-008.

6.2 Methodology

- 6.2 The overarching aim of the proposed development is to deliver a new WWTP that will appropriately treat Kilkee's wastewater, which is currently discharging as raw, unscreened sewage into Intrinsic Bay via an existing outfall at Kilkee Cliffs. A key part of the site identification process is to identify the most suitable location to intercept and integrate with the existing infrastructure and provide treatment before discharge.

- 6.3 The purpose of Stage 4 (Options Shortlisting) is to provide a qualitative assessment of land parcels and route corridors to determine the most environmentally unconstrained options that meet the technical requirements of the proposed WWTP and pumping station. Works have been assessed in terms of three main components in the assessment process, as follows:

1. **New Foul Pumping Station adjacent to the existing Victoria Pumping Station.** Technical requirements: 39m x 26m = 1,014 sq. m. / 0.1014 ha
2. **New WWTP.** Technical requirements: 150m x 80m = 12,000 sq. m. / 1.2 ha
3. **Route Alignments for Connecting Pipework.** Technical requirements: Various.

- 6.4 This section provides a high-level assessment of potential sites to shortlist options for more detailed site-specific evaluation in **Stage 5, Detailed Assessment**, below.

6.3 Alternative sites beyond the study area

- 6.5 During the planning application process (CCC Reg. Ref. P24/60002), a number of alternative sites were advanced for consideration for their suitability to accommodate the proposed WWTP in submissions made by the public and in CCC Planner's Report. As a result, UÉ considered these alternative sites the locations of which are identified in **Figure 6.1**. Noting the details provided in **Table 6.1** below, UÉ or the Design Team does not consider these sites to represent suitable options to accommodate the technical requirements of the project.

Table 6.1: Alternative sites beyond the study area

Suggested Alternative Site	Commentary
Lisdeen Recycling Centre	The Lisdeen Recycling Centre is located to the south of N67 Kilrush Road and to the north of Termon. This site is not a suitable alternative location for the development for the following reasons: • From an engineering perspective, the site is located 3 km east of Victoria Pumping Station and 5km west of the outfall location at Intrinsic Bay. This would require substantial new pumping and pipeline infrastructure to transport wastewater from Kilkee to this location for treatment and could result in septicity with the network, which could lead to: – The production of foul-smelling gases, such as hydrogen sulfide, can create strong odours in and around the WWTP and the pumping station. – The presence of sulfide compounds in septic wastewater can accelerate corrosion of equipment and infrastructure in the WWTP, leading to plant disruptions and increased maintenance and repair costs. – An additional treatment process would be required in the form of chemical dosing, requiring additional plant, maintenance requirements, and increased operational costs, including the provision of chemicals. • From a construction and cost perspective, the additional infrastructure required to reach the boundary of Kilkee town along the proposed “greenway route” would require significant construction through Kilkee town, and cause construction disruptions and potential land ownership/legal/access issues during both the construction and operational (maintenance period). Although there may seem to be a clear route via the “old railway line”, this area would still require substantial land and wayleave requirements for the proposed pipelines, as there are no existing wayleaves for pipework infrastructure. Engineering issues associated with the construction of a landfill site may also exist. • From an environmental perspective, the proposed site is adjacent to the Lower River Shannon SAC and Poulnasherry Bay pNHA. The River Shannon and River Fergus Estuaries SPA is approximately 1km downstream. A number of designated Qualifying Interest habitats are likely to occur within Poulnasherry Bay. The bay is also an important ornithological site, providing habitat for wintering waterbirds, which is designated as Special Conservation Interests of the River Shannon and the River Fergus Estuaries SPA. A new discharge application would be required to discharge into

the Black weir and/or the Shannon estuary, which could give rise to ecological and environmental issues on local waterways.

In conclusion, the site would have a higher risk of environmental/ecological impacts compared to other suitable lands within the Study Area. Relative to alternatives, it is remote from Kilkee, which would result in cost, time and sustainability issues related to septicity, new infrastructure and land acquisition. The site has been discounted from further assessment on this basis.

Former Quarry Site

The former quarry site is located along the coast of Moveen, near the CandleStick tourist attraction. This site is not a suitable alternative location for the development for the following reasons:

- In an engineering sense, the elevated nature of the site and its distance of the site from existing wastewater infrastructure (c3km to the west of Victoria Pumping Station and 1.6km to the west of the existing outfall location) would require substantial new pumping and pipeline infrastructure to transport wastewater from Kilkee to this location for treatment. This would result in significant construction, operation and maintenance costs, as well as disruptions, and potential land ownership/legal issues. It would also increase the risk of septicity in the network, which could lead to:
 - The production of foul-smelling gases, such as hydrogen sulfide, which can create strong odours in and around the WWTP.
 - The presence of sulfide compounds in septic wastewater can accelerate corrosion of equipment and infrastructure in the WWTP, leading to plant disruptions and increased maintenance and repair costs.
- In an environmental sense, the site occupies a more sensitive and exposed coastal location within the designated 'Heritage Landscape' and adjoins a designated 'Scenic Route', the 'Wild Atlantic Way'. It would have a higher risk of coastal erosion than other suitable lands within the Study Area, located closer to Kilkee/existing infrastructure.

In conclusion, the site would have a higher risk of environmental/ecological impacts compared to other suitable lands within the Study Area. Relative to alternatives, it is remote from Kilkee, which would result in sustainability and cost issues related to septicity, as well as the cost and time implications of avoiding this through new infrastructure and land acquisition. The site has been discounted from further assessment on this basis.

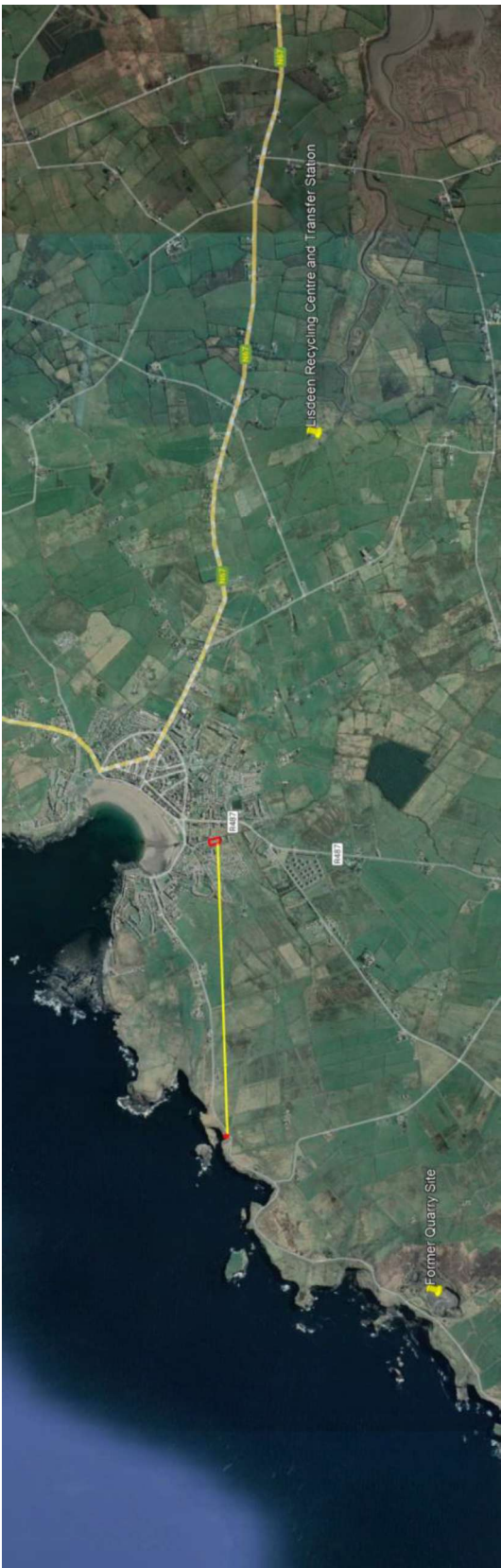


Figure 6.1: Alternative sites in relation to the existing Victoria Park Pumping Station, Easement 2022 Rising Mains and Existing Outfall
– Aerial View Annotated by Turley

6.4 Residual Lands

6.6 There are residual lands located to the north of the existing pipework/twin rising mains , which are not affected by the key identified constraints, including sensitive landscape designations. These lands are identified in **Figure 6.2** below.

6.7 The lands located to the north of Dunlicky Road (the blue oval in **Figure 6.2**) were discounted from the site selection process on engineering, landscape, ecology and planning policy grounds, as follows:

- From an engineering perspective, the area's rising topography presents challenges to the delivery of the WWTP, requiring additional infrastructure to deliver the WWTP.
- From a landscape and visual perspective, the land is part of the Historic Landscape Character Type Enclosed Land 3 (EL3). This area is mainly grassland, including pockets of natural grassland, which are classified as visually sensitive and vulnerable in the CCDP 2023 to 2029. It is an exposed and sensitive landscape of high amenity with greater proximity to the Kilkee Cliff Walks.
- From an ecological perspective, this area has limited access. It is located directly adjacent to the Carrowmore Dunes SAC and Kilkee Reefs SAC designations, which contain important colonies of seabirds and several swards of botanical interest.
- From a planning policy perspective, the lands were zoned 'Open Space' at the time of initial site selection in the Clare County Development Plan (CCDP) 2017 to 2023. They are now zoned 'Open Space' and 'Agriculture' in the CCDP 2023-2029.

6.8 In addition, the residual lands to the southeast of Dunlicky Road (the purple circle in **Figure 6.2**) were also discounted from the site selection process, on landscape, heritage, population and planning policy grounds as follows:

- From a landscape and visual perspective, the area may encroach on the Scenic route buffer zone. This part of the Wild Atlantic Way offers open vistas across the low-lying landscape as you leave Kilkee and travel south, making infrastructure development very noticeable due to the flat, open nature of the area.
- From a heritage perspective, the landscape has several archaeological features, including a Ringfort, a megalithic structure, and St Senan's Well. The Archaeological Survey of Ireland (ASI) is gathering more information on these monuments. Development in this area may delay this process and potentially impact Kilkee's heritage. It is also near Cunningham's Holiday Park, residential properties, and Nolan's track field, which was historically used for Kilkee races in the early 1800s.
- From a population perspective, the facility would be closer to residential receptors.
- From a planning policy perspective, at the time of initial site selection (2021), the lands were zoned 'Tourism', 'Residential', and 'Strategic Residential Reserve' in the CCDP 2017-2023. They are now zoned 'Tourism', 'Residential', 'Agricultural', 'Open Space' and 'Buffer Space' in the CCDP 2023-2029.



Figure 6.2: Aerial View Annotated by Turley Showing Discounted Residual Lands

6.5 Site Selection Assessment 1: Site Options for a New foul pumping station adjacent to the existing Victoria Pumping Station

- 6.9 Victoria Pumping Station is on Victoria Park Road and is c. 0.24 ha in size. It is bound by residential properties and undeveloped sites to the southeast and southwest. The site includes a pumping station, an electrical substation, a standby generator, and a welfare building. It is enclosed by a brick wall on three sides and a palisade fence on the east.
- 6.10 The initial design study considered building a new foul pumping station and a 951 cubic metre storage tank within the existing Victoria Pumping Station site. The resultant tank (14m diameter by 6.5m in depth) would require major groundworks to avoid existing structures and undermine existing services. These issues along with the risk of affecting adjoining properties made this option unfeasible.
- 6.11 An alternative design was also investigated. It was proposed that all flows be pumped to the proposed WWTP and the storm storage located at the proposed WWTP, negating the requirement for a large storage tank at Victoria Pumping Station. However, this option was discounted as a deviation from standard UÉ design due to the exclusion emergency storage in the event of pump failure.
- 6.12 Due to space constraints within the existing site and the proximity of residential properties to its boundary, alternative site locations were investigated in the vicinity of the Victoria Pumping Station to facilitate the diversion of flows from the existing sewerage network to the proposed foul pumping station site.
- 6.13 Four alternative sites were assessed for their suitability, which are depicted in **Figure 6.3** and described as follows:
- **Victoria Park Pumping Station Sites 1 and 2:** Are located to the east of the existing Victoria Park Pumping Station, across Victoria Stream. Due to constructability issues associated with connecting to the existing network, ecological constraints of crossing Victoria Stream, and proximity to residential areas and flood zones, it was determined that a location south or west of the current station is more suitable.
 - **Victoria Park Pumping Station Site 3:** Located to the south of the Victoria Pumping Station, Site 3 was not considered suitable due to its location within a known coastal and river flood plain and distance from the existing sewerage network. This site presents constructability, hydrological, and environmental constraints.
 - **Victoria Park Pumping Station Site 4:** Located west of the existing station, despite being in a flood area and near residential and holiday homes, Site 4 is the most suitable due to its proximity to the existing sewerage connection, road accessibility, and minimal environmental and ecological constraints relative to other sites.
- 6.14 Therefore, the **Preferred Option for the Pumping Station is Victoria Park Pumping Station Site 4**. The site was taken forward for detailed assessment as part of Stage 5 (Detailed Assessment). The remaining options were discounted from further assessment.



Figure 6.3: Site Selection Assessment 1 – Site Options for a New Foul Pumping Station at the existing Victoria Pumping Station

6.6 Site Selection Assessment 2: Site Options for the Construction of a New WWTP

- 6.15 The site search for the WWTP was focused on lands within the 500m Study Area south of Dunlicky Road.
- 6.16 Four potential WWTP site options were identified, which are outlined in **Figure 6.4**. These are based on specific project requirements, including proximity to existing wastewater infrastructure, the need to deliver a viable wastewater treatment and pumping solution, proximity to the urban setting, distance from sensitive receptors, site suitability, including land parcel size (c. 1.2ha), accessibility requirements and not being subject to key environmental constraints.
- 6.17 The following sites were shortlisted for the proposed WWTP because they represented potentially viable site options in construction and operational terms. They are free from key environmental constraints, provide technically feasible treatment and pumping solutions, reduce operational and construction costs and disruptions and maximise operational/economic efficiencies.
- **WWTP Site Option 1:** Option 1 is located c. 180m south-west of the outer boundary of Kilkee, c.290m north of Carrigaholt Road and c.470m south of Dunlicky Road. It is bound on all sides by agricultural land. The site is currently used for agricultural purposes. The site consists of grass fields with a hedgerow boundary. Access to the site is required off a private access road and through private lands.
 - **WWTP Site Option 2:** Option 2 is located c. 210m south-west of the outer boundary of Kilkee, c.320m south of Dunlicky Road and c.450m north of Carrigaholt Road. It is bound on all sides by agricultural land. The site is currently used for agricultural purposes. The site consists of grass fields with a hedgerow boundary. Access to the site is required off a private access road and through private lands.
 - **WWTP Site Option 3:** Option 3 is located c. 530m south-west of the outer boundary of Kilkee, c.180m south of Dunlicky Road and c. 650m north of Carrigaholt Road. It is bound to the west by a private access road and to the north, south and east by agricultural land. The site is currently used for agricultural purposes. The site consists of grass fields with a hedgerow boundary. Access to the site is required off a private access road.
 - **WWTP Site Option 4:** Option 4 is located c.590m south-west of the outer boundary of Kilkee, c.180m south of Dunlicky Road and c.660m north of Carrigaholt Road. It is bound to the east by a private access road and to the north, south and west by agricultural land. The site is currently used for agricultural purposes. The site consists of grass fields with a hedgerow boundary. Access to the site is required off a private access road.
- 6.18 These four sites advanced to the next stage of the site selection process, Stage 5, Detailed Assessment, which is provided in the next section of this Report.



Figure 6.4: Site Selection Assessment 2 – Site Options for a new WWTTP

6.7 Site Selection Assessment 3: Route Alignments for Connecting Pipework

- 6.19 Since the Site Assessment Report was completed in November 2021, two new HDPE rising mains were installed for UÉ in 2022, running parallel to the old lines. These are identified as the 'Existing Pipework' / Route 1b in **Figure 6.5** below. Consequently, the 'Site Selection Assessment 3: Route Alignments for Connecting Pipework' was revisited in preparation to submit planning application CCC Reg. Ref. P24/60002. This section reports on these findings.
- 6.20 Four route options (Route 1, Route 1a, Route 1b, and Route 2) were identified to deliver flows from the preferred site at Victoria Park (Pumping Station Site 4) to the four WWTP site options identified in **Figures 6.5 and 6.6** below. An initial assessment was conducted to ensure all options were viable. Some options were excluded due to environmental and construction constraints. The results of this initial assessment are provided as follows:
- **Route 1:** Route 1 exits north from PS Site 4 along Victoria Park Road. The route then traverses south-west down a private access road between Haugh Mobile Park and Cunningham's Holiday Park towards a one-off residential dwelling and agricultural building. This section of the route is along a tarmac road. Prior to reaching the one-off residential dwelling, routes to each of the four WWTP Site Options were assessed. Route 1 was assessed as a viable option and taken forward for detailed assessment in Stage 5 (Detailed Assessment).
 - **Route 1a:** This route was proposed for WWTP Options 3 and 4 and ran through the main town of Kilkee along the Marine Parade and Dunlicky Road. As this proposed route would be on the main corridor identified as a scenic route, considering the buildability and capital costs associated with its construction within the town's main road, this option was considered to be less preferable. Therefore, this option was not taken forward for detailed assessment in Stage 5 (Detailed Assessment).
 - **Route 1b:** This route, proposed for WWTP Options 3 and 4, initially followed a private access road and then the existing pipework between the Victoria Pumping Station and the outfall. It was initially discounted for environmental and land availability reasons. However, it became viable when two parallel rising mains (twin HDPE rising mains) were constructed in 2022 for UÉ. On this basis, Route 1b was assessed as a viable option and taken forward for detailed assessment in Stage 5 Detailed Assessment.
 - **Route 2:** Route 2 exits south from PS Site 4 along Victoria Park Road, then travels west along the south of an undeveloped site and Haugh Mobile Park. At the south-west corner of Haugh Mobile Park, the routes to each of the WWTP site options. Initially considered viable, Route 2 was later discounted in favour of Route 1b following the construction of the 2022 rising mains. Therefore, this option was not taken forward for detailed assessment in Stage 5 Detailed Assessment.
- 6.21 Routes 1a and 2 did not advance for further assessment. Routes 1 and 1b advanced for detailed assessment in Stage 5 Detailed Assessment.

- 6.22 Two route options (Route 3 and Route 4) were identified to deliver flows from the proposed WWTP to the outfall. An initial assessment was conducted to ensure all options were viable, which concluded that both of the routes shared positive similarities, including being located away from sensitive receptors. The results of the initial assessment are outlined as follows:
- **Route 3:** From WWTP Options 1 and 2, Route 3 travels southwest through agricultural fields, then north to Dunlicky Road. From Options 3 and 4, it travels north along the access road to Dunlicky Road. All alignments then follow Dunlicky Road west to the outfall. Being within the existing road, Route 3 may have a lesser environmental, operating and cost impact, but may lead to disruption to traffic.
 - **Route 4:** From WWTP Options 1 and 2, Route 4 travels southwest through agricultural fields, then north towards Dunlicky Road, stopping at the existing pipework. From Options 3 and 4, it travels north along the access road to Dunlicky Road, also stopping at the existing pipework. All alignments then follow the existing pipework west to the outfall. In 2021, Route 4 was previously the preferred option despite being less advantageous for biodiversity, as it avoids impacting the scenic Dunlicky Road but further information on operational costs was considered as part of the 2025 Assessment.
- 6.23 To conclude, both options were taken forward for detailed assessment in Stage 5 (Detailed Assessment).



Figure 6.5: Site Selection Assessment 3: Route Alignments for Connecting Pipework (inc. Pumping Station and WWTP Options).



Figure 6.6: Site Selection Assessment 3: Key Constraints and Route Alignments for Connecting Pipework (inc. Pumping Station and WWTP Options).

7. Stage 5: Detailed Assessment

7.1 Overview

- 7.1 The purpose of Stage 5 (Detailed Assessment) is to evaluate and compare the shortlisted sites, routes and associated infrastructure, taking into account of a wide range of environmental, planning, technical and economic criteria with a view to identifying the least constrained option (the emerging preferred option). This approach aligns with the UÉ's Guide to Route and Site Selection, IW-AD-PD-GL-008.

7.2 Methodology

- 7.2 As previously outlined, shortlisted land parcel options have been identified based on their location on environmentally unconstrained land and their ability to meet the technical requirements of the proposed WWTP. Works have been assessed in terms of three main components in the assessment process, as follows:

4. **New Foul Pumping Station adjacent to the existing Victoria Pumping Station.** Technical requirements: 39m x 26m = 1,014 sq. m. / 0.1014 ha
5. **New WWTP.** Technical requirements: 150m x 80m = 12,000 sq. m. / 1.2 ha
6. **Route alignments for connecting pipework.** Technical requirements: Various.

- 7.3 Each option is described in detail, and a detailed site-specific assessment based on environmental, planning, technical, and economic criteria has been undertaken within this stage (Stage 5) of this report. Each criterion was assessed according to the site selection tool provided in **Table 7.1**.

Table 7.1: Site Selection Assessment Grading Tool

Classification Categories	Key
Advantageous	↑
Neutral	—
Less Advantageous	↓

7.3 Detailed Site Selection Assessment 1: Site Option for a New foul pumping station at the existing Victoria Pumping Station

- 7.4 Pumping Station Site 4 (c. 1,014 sq. m.) is situated within Kilkee Town and is located c.10m west of Victoria Pumping Station. It is bound: to the north by residential properties; to the south by a greenfield site; to the west by holiday homes; and to the east by Victoria Park Road. The site is currently vacant and undeveloped, comprising grassland.
- 7.5 The proposed foul pumping station will be located within its own secure boundary. Access will be provided off the existing Victoria Park Road, with an access road to allow maintenance vehicles to access and turn within the new site boundary. The proposed

site will house both the new foul and storm pumps, and also the required storage volume within the same site, which is the operational preference for UÉ. The site will also include the MCC control panel and an emergency backup generator. New pipe connections will be made to the existing sewerage network located within the Victoria PS site to divert flows to the new foul pumping station.

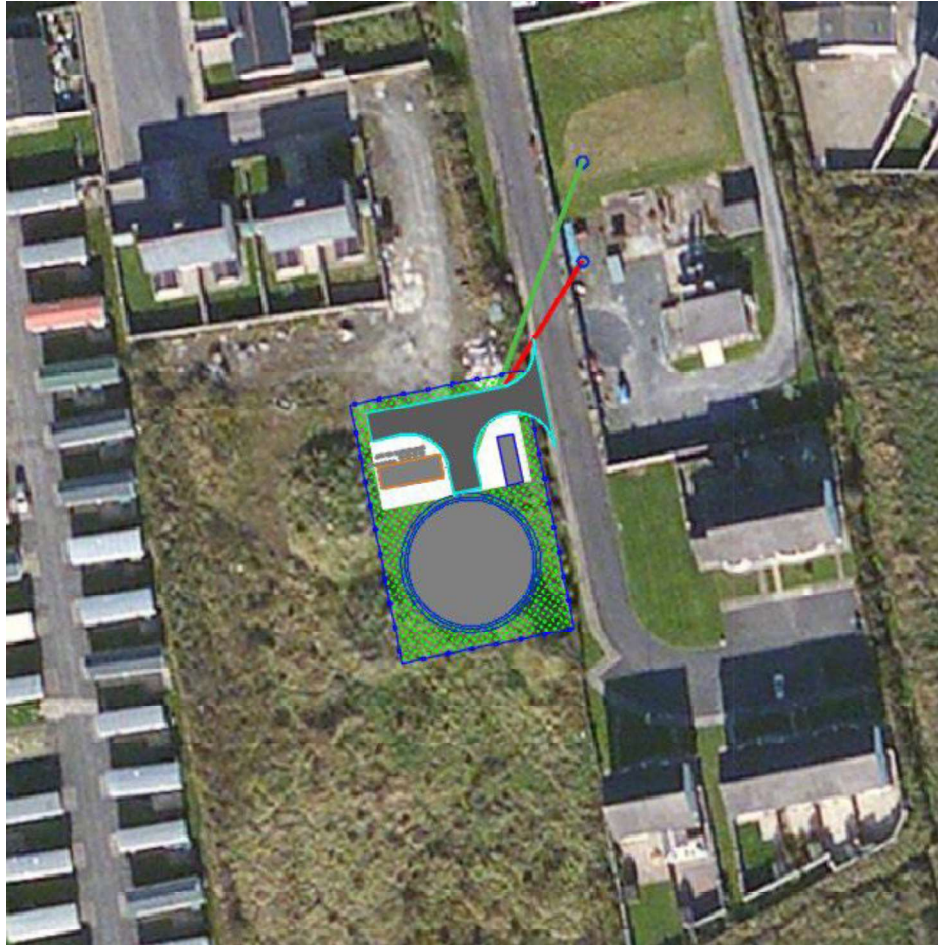


Figure 7.1: Location of PS Site 4 and the existing Victoria Pumping Station

- 7.6 The Stage 5 Detailed Site Assessment for the Pumping Station site is provided in Table 7.2. Based on this assessment, **PS Site 4** was selected as the preferred option for the new foul pumping station site at Victoria Pumping Station.

Table 7.2: Detailed Site Selection Assessment 1: Site Option for a New Foul Pumping Station at the existing Victoria Pumping Station

Criteria	Sub Criteria	Assessment	Key
Environmental	AASR	This proposed site is located in an existing urban area that is classified as a building or artificial surface (BL3).	↑
		The proposed pumping station and storage tank are to be located in the adjacent field to the immediate west of the existing Victoria Pumping Station. This field is dominated by rank grassland that is classified as Dry Meadows and Grassy Verges (GS2)	
		The proposed pumping station is located c.250m from the Kilkee Reef SAC. Victoria Stream, located c.45m east and c.85m west of the subject site, discharges to the Kilkee SAC after c.290m.	
	Biodiversity	The subject site is located within an existing urban built area classified as buildings and artificial surfaces (BL3). The subject site consists of a field dominated by a ranked grassland and classified as Dry Meadows and Grassy Verges (GS2). These habitats have low biodiversity value. Development should have regard to Objective CDP15.12 Biodiversity and Habitat Protection of the CCDP 2023 to 2029.	↑
	Noise & Odour	The proposal is for the new pumping station to be situated adjacent to the established Victoria Pumping Station site. Although the site is located in an urban area and is surrounded by sensitive receptors (residential/commercial properties), operationally, there will be no change in terms of odour and noise. However, consideration must be given to noise and odour during the planning and construction stages, having regard to CCDP 2023 to 2029.	—
	Landscape & Visual	The proposed pumping station will be situated on the adjacent site to the west of the existing Victoria Pumping Station. The proposed development is considered to extend this established utility's presence within the area. Furthermore, the pumping station and storage tank will have a minor impact on the surroundings, being predominantly underground. The above-ground height of a GRP kiosk is c. 2.1 m, and the proposed	↑

	boundary, which is not dissimilar to what it is there at present, is fenced off. Development should have regard to CDP14.2 Settled Landscapes of the CCDP 2023 to 2029.	
Archaeology, Cultural & Architectural Heritage	St James Church of Ireland, located on the west side of the R487 and c.200m east of the subject site, is the closest Protected Structure to the site. There are three. Other protected structures are located within a c.300m radius of the site. The closest Recorded Monument to the site is located approximately 250m west in the Well Field residential estate. Development should have regard to Objective CDP16.8 Sites, Features and Objects of Archaeological Interest of the CCDP 2023 to 2029.	↑
Planning	There is no current use on the site. The subject site is located within an area zoned 'Tourism'. Utilities are not listed as a use in the CDP. Section 19.5.4 of Volume 1 of the CDP contains the following provision with respect to 'Uses Not Listed in the Indicative Zoning Matrix': <i>'Proposed land-uses which are not listed in the indicative land-use zoning matrix will be considered on a case-by-case basis having regard to the proper planning and sustainable development of the area and compliance with the relevant policies and objectives, standards and requirements as set out in this Clare County Development Plan 2023-2029, guidelines issued in accordance with Section 28 of the Planning and Development Act, 2000, as amended and guidance issued by other government bodies.'</i> The proposed development relates to a small portion of the wider 'TOU3' zoned lands and will not create any adverse impacts with respect to adjoining/nearby tourism uses. The proposed development will also comply with the relevant tourism objectives of the CDP through the provision of critical wastewater infrastructure that will <i>'facilitate tourism development'</i>, <i>'service tourists/holiday makers and visiting members of the public'</i> and <i>'allow for the expansion of tourist accommodation'</i> in Kilkee. Therefore, the proposed wastewater infrastructure is considered to represent an acceptable land use for these 'Tourism' zoned lands, noting the abovementioned merits and the 'case-by-case' provisions set out in Section 19.5.4 of the CCDP 2023 to 2029.	↓
Land Use Zoning		

	Population & Sensitive Receptors	The site is located in an urban area and is surrounded by several sensitive receptors (residential/commercial properties). The pumping station works, being predominantly underground, will have a minor impact on the neighbouring sensitive receptors.	↓
	Adjacent Land Uses	The lands to the north, south and west of the subject site are zoned 'Tourism' and the lands to the west are zoned 'Utilities' and 'Existing Residential'. The 'Utilities' site to the east, which consists of Victoria Pumping Station, has established the use of utilities within the area. It is noted that the proposed site is situated only within a proportion of land owned by a single landowner, and the site may leave some areas of the remaining field stagnant or reduce its capacity for further development in the future. As part of land agreements, obtaining more adjoining land from the owner may be deemed necessary to reduce this effect. The proposed pumping station site accounts for c.11.4% of the Landowners' Land Parcel.	↓
	Material Assets	The site has no material assets, consists of grasslands, and is currently vacant. Therefore, it is ready for development.	↑
	Neighbourhood Character	The neighbouring character is the urban area of Kilkee. The surrounding uses consist of residential properties and local and tourist amenities, facilities, services and attractions. The proposed pumping station will blend into the existing built environment.	↑
Technical / Economic	Traffic	The proposed pumping station will be accessed off Victoria Park Road. Compared to the current arrangements, there would be some minor additional traffic. However, the additional traffic must also be considered during the construction stage, and road safety measures will need to be implemented.	↓
	Service & Utility Connections	Given the urban setting of the subject site, access to services and utilities will be readily available.	↑

Security	The proposed pumping station site will be fenced and gated within an existing fenced and walled field.	↑
Flood Risk	Consulting Engineers on the Flood defence scheme were contacted and have indicated that the pumping station site would not be required for a future attenuation area. The site is located within a river flood area, so the proposed site will be constructed to protect against flooding. Considering the design flood level and the proposed pumping station construction, the majority of the structure will be below ground and will have minimal effect on reducing existing floodplain volumes. Emphasis will be placed on keeping vulnerable plants above the flood level and adequate freeboards for access covers.	↓
Storm Conditions	Additional storm storage will be provided as part of the upgrade works at the proposed foul pumping station site.	—

7.4 Site Selection Assessment 2: Site Options for the Construction of a New WWTP

7.7 Following the identification of four Site Options, a detailed Stage 5 Assessment was undertaken. This was a site-specific, comparative, multi-criteria analysis for each site option, taking into account a wide range of environmental, planning, technical and economic criteria. The findings of the assessment are summarised in **Table 7.3** and set out in detail in **Table 7.4** that follows:

Table 7.3: Summary of Site Selection Assessment 2: New WWTP

Criteria	Sub Criteria	WwTP Option 1 Key	WwTP Option 2 Key	WwTP Option 3 Key	WwTP Option 4 Key
Environmental	AASR	—	—	—	—
	Biodiversity	—	—	—	—
	Noise & Odour	—	—	—	—
	Landscape & Visual	—	—	—	—
	Hydrology	↓	↑	↑	↑
	Archaeology, Cultural & Architectural Heritage	↑	↓	↑	↑
Planning	Planning Policies & Objectives	—	—	—	—
	Population & Sensitive Receptors	—	—	—	—
	Material Assets	—	—	—	—
Technical / Economic	Access / Traffic	↓	↓	↑	↑
	Road Safety	—	—	—	—
	Service & Utility Connections	—	—	—	—
	Capital & Operating Costs	↓	↓	↑	↑
	Flood Risk	↓	↑	↑	↑

7.8 Importantly, all four Site Options are located outside of the sensitive ‘Heritage Landscape’ and ‘Scenic Route’ designations. They also share other similarities, as identified by the ‘Neutral’ classification, which included:

- Distance from the Kilkee SAC and sensitive receptors;
- Potential for visual/landscape and noise/odour impacts;
- Supported in principle by local planning policy; and
- Land use (comprising agricultural land).

7.9 Following the detailed assessment, Site Options 1 and 2 were not considered suitable for the development of the proposed WWTP for the following reasons:

- **Site Option 1** presented a medium hydrological risk of impact on the closest designated water course of ‘Kilkee Lower 010’, located c.110m south. The site also presents a flooding risk as it is situated in a flood risk area. The site would also require the construction of a new access road.
- **Site Option 2** presented an Archaeology, Cultural & Architectural Heritage risk due to its proximity to a Recorded Monument and could result in a negative impact. The site would also require the construction of a new access road.

- 7.10 Site Options 3 and 4 scored more favourably in the site assessment decision matrix compared to Site Options 1 and 2 and are considered to represent the most suitable options for the proposed WWTP, noting that they are accessible off a private access road, located outside of designated areas, and located further away from sensitive receptors, including, inter alia, Flood Zones and Recorded Monuments.
- 7.11 Noting the similarities between the sites (due to their proximity to each other), either option could be considered suitable for the development of a WWTP. However, after further consideration of these sites and their availability/suitability criteria, **Site Option 4** was identified as the preferred option for the proposed WWTP.

Table 7.4: Detailed Site Selection Assessment 2: Site Options for the Construction of a New WWTP

Criteria	Sub Criteria	WWTP Option 1 Site Assessment	Key	WWTP Option 2 Assessment	Key	WWTP Option 3 Assessment	Key	WWTP Option 4 Assessment	Key
Environmental	AASR	WWTP Option 1 is located c.680m south of Kilkee Reef SAC at the closest point. WWTP Option 1 is located c.120m north of the Kilkee Upper watercourse [EPA Code: 27k64], which ultimately flows to the Kilkee Reef SAC after c.940m. This option provided a buffer distance of approximately 680m and 120m from the Kilkee Reef SAC and Kilkee Upper watercourse, respectively.	—	WWTP Option 2 is located c.670m south of Kilkee Reef SAC at the closest point. WWTP Option 2 is located c.325m north of the Kilkee Upper watercourse [EPA Code: 27k64], which ultimately flows to the Kilkee Reef SAC after c.1km. This option provides a buffer distance of approximately 670m and 325m from the Kilkee Reef SAC and Kilkee Upper watercourse, respectively.	—	WWTP Option 3 is located c.750m south of Kilkee Reef SAC at the closest point. WWTP Option 3 is located c.415m north of the Kilkee Upper watercourse [EPA Code: 27k64], which ultimately flows to the Kilkee Reef SAC after c.1.4km. This option provides a buffer distance of approximately 750m and 415m from the Kilkee Reef SAC and Kilkee Upper watercourse, respectively.	—	WWTP Option 4 is located c.760m south of Kilkee Reef SAC at the closest point. WWTP Option 4 is located c.415m north of the Kilkee Upper watercourse [EPA Code: 27k64], which ultimately flows to the Kilkee Reef SAC after c.1.4km. This option provides a buffer distance of approximately 760m and 415m from the Kilkee Reef SAC and Kilkee Upper watercourse, respectively.	—
	Biodiversity	WWTP Option 1 is located within Improved Agricultural grassland (GA1), approximately 120m north of the Kilkee Upper watercourse [EPA Code: 27k64]. Improved Agricultural grassland is an intensively managed grassland used for agricultural purposes. It generally has low biodiversity value. The Kilkee watercourse, a semi-natural habitat, provides higher biodiversity value within the local area and is buffered from the proposed option by approximately 120m. Development should have regard to Objective CDP15.12 Biodiversity and Habitat Protection of the CCDP 2023 to 2029.	—	WWTP Option 2 is located entirely within Improved Agricultural grassland (GA1) and is approximately 325m north of the Kilkee Upper watercourse [EPA Code: 27k64]. Improved agricultural grassland is an intensively managed grassland used for agricultural purposes. It generally has low biodiversity value. The Kilkee watercourse, a semi-natural habitat, provides higher biodiversity value within the local area and is buffered from the proposed option by approximately 325m. Development should have regard to Objective CDP15.12 Biodiversity and Habitat Protection of the CCDP 2023 to 2029.	—	WWTP Option 3 is located within Improved Agricultural grassland (GA1) and is located c.415m north of the Kilkee Upper watercourse [EPA Code: 27k64]. An unmapped land drain is located c.60m to the north of WWTP Option 3. Improved agricultural grassland is an intensively managed grassland that is used for agricultural purposes. It generally has low biodiversity value. The Kilkee watercourse, a semi-natural habitat, provides higher biodiversity value within the local area and is buffered from the proposed option by approximately 415m. Development should have regard to Objective CDP15.12 Biodiversity and Habitat Protection of the CCDP 2023 to 2029.	—	WWTP Option 4 is located within Improved Agricultural grassland (GA1) and is located c.415m of the Kilkee Upper watercourse [EPA Code: 27k64]. An unmapped land drain is located c.60m to the north of WWTP Option 4. Improved Agricultural grassland is an intensively managed grassland used for agricultural purposes. It generally has low biodiversity value. The Kilkee watercourse, a semi-natural habitat, provides higher biodiversity value within the local area and is buffered from the proposed option by approximately 415m. Development should have regard to Objective CDP15.12 Biodiversity and Habitat Protection of the CCDP 2023 to 2029.	—

Noise & Odour	Option 1 is situated on the edge of town, with the nearest sensitive receptor located approximately 120m to the northeast. Therefore, Option 1 is not likely to impact the receiving environment in terms of noise and odour.	Option 2 is located on the edge of town, with the nearest sensitive receptor located approximately 180m to the east. Therefore, Option 2 is not likely to impact the receiving environment in terms of noise and odour.	Option 3 is in an agricultural location, with the nearest sensitive receptor located approximately 170m to the south-west. Therefore, Option 3 is not likely to impact the receiving environment in terms of noise and odour.	Option 4 is in an agricultural location, with the nearest sensitive receptor located about 140m to the south. Therefore, Option 4 is not likely to impact the receiving environment in terms of noise and odour.	—
Landscape & Visual	Option 1 is located outside the Heritage Landscape and Scenic Route buffer zone. The nearest dwelling is approximately 120m to the northeast. Option 1 is located in an agricultural area and could be considered 'out of place' from a visual impact perspective. Notwithstanding, the proposed WWTP will be a low-rise development and will include a landscape boundary treatment. Existing hedgerows will be maintained where possible to provide screening and protect biodiversity. Therefore, it is considered that Option 1 will have a low visual impact on the receiving landscape.	Option 2 is outside the Heritage Landscape and Scenic Route buffer zone. The nearest dwelling is approximately 180m to the east. Option 2 is located in an agricultural area and could be considered 'out of place' from a visual impact perspective. Notwithstanding, the proposed WWTP will be a low-rise development that includes a landscaped boundary treatment. Existing hedgerows will be maintained where possible to provide screening and protect biodiversity. Therefore, it is considered that Option 2 will have a low visual impact on the receiving landscape.	Option 3 is outside the Heritage Landscape and Scenic Route buffer zone. The nearest dwelling is approximately 170m to the south-west. Option 3 is located in an agricultural area and could be considered 'out of place' from a visual impact perspective. The proposed WWTP will be a low-rise development that includes a landscaped boundary treatment. Existing hedgerows will be maintained where possible to provide screening and protect biodiversity. Therefore, it is considered that Option 3 will have a low visual impact on the receiving landscape.	Option 4 is outside the Heritage Landscape and Scenic Route buffer zone. The nearest dwelling is approximately 140m to the south-west. Option 4 is located in an agricultural area and could be considered 'out of place' from a visual impact perspective. The proposed WWTP will be a low-rise development that includes a landscaped boundary treatment. Existing hedgerows will be maintained where possible to provide screening and protect biodiversity. Therefore, it is considered that Option 4 will have a low visual impact on the receiving landscape.	—
Hydrology	Option 1 presents a medium risk of impact on the closest designated water course, 'Kilkee Lower 010', located 110m south.	Option 2 presents a low risk of impact on the closest undesignated water course, located about 60m to the north.	Option 3 presents a low risk of impact on the closest undesignated water course, located about 60m to the north.	Option 4 presents a low risk of impact on the closest undesignated water course, located about 60m to the north.	↑
Archaeology, Cultural & Architectural Heritage	There are no protected structures located close to Option 1. Two Recorded Monuments are located c.250m north-west and south-west of Option 1, respectively. Therefore, the proposed works are outside of the sensitive receptor buffer zones.	There are no Protected Structure located within close proximity of Option 2. The closest Recorded Monument is located c.90m north of Option 2. Although outside of the sensitive receptor buffer zone, Option 2 is considered to be located in close proximity to a Recorded Monument and may negatively impact it.	There are no Protected Structure located within close proximity of Option 3. The closest Recorded Monument is located c.180m north-east of Option 3. Therefore, the proposed works are outside of the sensitive receptor buffer zones.	There are no Protected Structure located within close proximity of Option 4. The closest Recorded Monument is located c.230m north-east of Option 4. Therefore, the proposed works are outside of the sensitive receptor buffer zones.	↑
Planning	The CCDP 2023 to 2029 supports and encourages the development of a WWTP and associated works in Kilkee.	The CCDP 2023 to 2029 supports and encourages the development of a WWTP and associated works in Kilkee.	The CCDP 2023 to 2029 supports and encourages the development of a WWTP and associated works in Kilkee.	The CCDP 2023 to 2029 supports and encourages the development of a WWTP and associated works in Kilkee.	—

	The lands are unzoned but are currently used for agricultural use. The proposed development will result in the change of use of the subject lands and a loss of agricultural lands.	The lands are unzoned but are currently used for agricultural use. The proposed development will result in the change of use of the subject lands and a loss of agricultural lands.	The lands are unzoned but are currently used for agricultural use. The proposed development will result in the change of use of the subject lands and a loss of agricultural lands.	The lands are unzoned but are currently used for agricultural use. The proposed development will result in the change of use of the subject lands and a loss of agricultural lands.	
Adjacent Land Uses	The lands to the north and east are zoned 'Agriculture', and the south and west of Option 1 are unzoned lands. To the east of Option 1, an 'Undefined Infrastructure Safeguard' (a proposed ring road) is also located. If implemented, this road could provide access to the site. It is noted that the proposed WWTP site is situated only within a proportion of land owned by a single landowner, and the site may leave some areas of the remaining field stagnant or reduce its capacity for further development in the future. As part of land agreements, it may be deemed necessary to obtain more adjoining land from the owner to reduce this effect. This option accounts for c.4.4% of the Landowners' Land Parcel.	The lands to the north and east are zoned 'Agriculture', and the lands to the south and west of Option 2 are unzoned lands. To the east of Option 2, an 'Undefined Infrastructure Safeguard' (a proposed ring road) is also located. If implemented, this road could provide access to the site. It is noted that the proposed WWTP site is situated only within a proportion of land owned by a single landowner, and the site may leave some areas of the remaining field stagnant or reduce its capacity for further development in the future. As part of land agreements, it may be deemed necessary to obtain more adjoining land from the owner to reduce this effect. This option accounts for c.4.4% of the Landowners' Land Parcel.	The lands surrounding Option 3 are unzoned lands. It is noted that the proposed WWTP site is situated only within a proportion of land owned by a single landowner, and the site may leave some areas of the remaining field stagnant or reduce its capacity for further development in the future. As part of land agreements, it may be deemed necessary to obtain more adjoining land from the owner to reduce this effect. This option accounts for c.4.4% of the Landowners' Land Parcel.	The lands surrounding Option 4 are unzoned lands. It is noted that the proposed WWTP site is situated only within a proportion of land owned by a single landowner, and the site may leave some areas of the remaining field stagnant or reduce its capacity for further development in the future. As part of land agreements, it may be deemed necessary to obtain more adjoining land from the owner to reduce this effect. This option accounts for c.2.2% of the Landowners Land Parcel.	
Population & Sensitive Receptors	Option 1 is located at the edge of town, with the nearest sensitive receptor located at c.120m to the northeast. While Option 1 is located outside of the sensitive receptor buffer zone, consideration must be given to the loss of agricultural land as a result of the proposed development.	Option 2 is located at an edge of town, with the nearest sensitive receptor located at c.180m to the east. While Option 2 is located outside of the sensitive receptor buffer zone, consideration must be given to the loss of agricultural land as a result of the proposed development.	Option 3 is located in an agricultural area, with the nearest sensitive receptor being located c.170m to the east. While Option 3 is located outside of the sensitive receptor buffer zone, consideration must be given to the loss of agricultural land as a result of the proposed development.	Option 4 is located in an agricultural area, with the nearest sensitive receptor approximately 140m to the south. While Option 4 is located outside of the sensitive receptor buffer zone, consideration must be given to the loss of agricultural land as a result of the proposed development.	
Material Assets	The site consists of agricultural lands, which will be lost as a result of the proposed development.	The site consists of agricultural lands, which will be lost as a result of the proposed development.	The site consists of agricultural lands, which will be lost as a result of the proposed development.	The site consists of agricultural lands, which will be lost as a result of the proposed development.	
Technical / Economic	For Option 1, a new access road (c. 250 m) will need to be constructed as there is no	A new access road will need to be constructed (c.210m) for Option 2 as	Option 3 will be directly accessed off an existing private access road.	Option 4 will be directly accessed off an existing private access road.	

	direct route to the site via any existing roads. The new arrangement will be required along the private access road between Haugh Mobile Park and Cunningham's Holiday and will continue past the east side of the residential property at the end of the road. The works will cause a traffic disruption in the local area.	there is no direct route to the site via any existing roads. A new arrangement will be required along a private access road between Haugh Mobile Park and Cunningham's Holiday. The works will cause a traffic disruption in the local area.		This option will reduce disruption to the existing road arrangement and minimise traffic disruption.	This option will reduce disruption to the existing road arrangement and minimise traffic disruption.
Road Safety	The new access road will have a slight impact on the road safety of the existing private access road. New Sightlines will be required on the existing road to facilitate the new access arrangement. However, due to the existing built-up area, it may not be viable to provide improved sightlines on the established road access.	The new access road will have a slight impact on the road safety of the existing private access road. New Sightlines will be required on the existing road to facilitate the new access arrangement. However, due to the existing built-up area, it may not be viable to provide improved sightlines on the established road access.	—	Option 3 will be directly accessed off an existing private access road, which will slightly impact its road safety. To facilitate the new access arrangement, New Sightlines will be required on the existing road.	Option 4 will be directly accessed off an existing private access road, which will slightly impact its road safety. To facilitate the new access arrangement, New Sightlines will be required on the existing road.
Service & Utility Connections	Option 1 requires enabling works. Given the site's proximity to an existing dwelling, access to existing connections is considered favourable.	Option 2 requires enabling works. Given the site's proximity to an existing dwelling, access to existing connections is considered favourable.	—	Option 3 requires enabling works. Given the site's proximity to an existing dwelling and access via a private road, access to existing connections is considered favourable.	Option 4 requires enabling works. Given the site's proximity to an existing dwelling and access via a private road, access to existing connections is considered favourable.
Capital & Operating Costs	Option 1 will involve the standard capital and operating costs of a WWTP. However, the new access road will add additional capital costs.	Option 2 will involve the standard capital and operating costs of a WWTP. However, the new access road will add additional capital costs.	↓	Option 3 will involve the standard capital and operating costs of a WWTP. However, Option 3 will not require additional capital costs for the construction of a new access road.	Option 4 will involve the standard capital and operating costs of a WWTP. However, Option 4 will not require additional capital costs for the construction of a new access road.
Flood Risk	Option 1 is located outside of any known flood areas. However, it is in close proximity to Kilkee Lower, which is known to be a flood risk.	Option 2 is located outside of any known flood areas.	↓	Option 3 is located outside of any known flood areas.	Option 4 is located outside of any known flood areas.

7.5 Site Selection Assessment 3: Route Alignments for Connecting Pipework

- 7.12 Since the Site Assessment Report was completed in November 2021, two material changes have occurred:
1. Two new HDPE rising mains (twin rising mains) were installed for UÉ in 2022, running parallel to the old lines. These are broadly identified as the 'Existing Pipework' / Route 1b in **Figure 7.5** below.
 2. Further information is available on cost and operating arrangements.

Consequently, the 'Site Selection Assessment 3: Route Alignments for Connecting Pipework' was revisited in preparation for the submission of planning application CCC Reg. Ref. P24/60002. This section reports on these findings.

(1) Route alignment from the Proposed Pumping Station to the Proposed WWTP

- 7.13 Four route options (Route 1, Route 1a, Route 1b, and Route 2) were identified to facilitate the new infrastructure works' requirements for delivering flows from the proposed pumping station (Pumping Station Site 4) to the proposed WWTP.
- 7.14 Since the Site Selection Report 2021, twin rising mains from the Victoria PS to the outfall were constructed to carry flows from 2022. Therefore, Route 1b has been reconsidered as this route seeks to utilise the existing mains. The detailed site assessment of these options has been updated, the results of which are set out in **Table 7.5**.
- 7.15 Given that these mains are now available for use, it has been determined that the Victoria Pumping Station mains route repurposing would be the least intrusive to landowners, involve the least construction risk and have the least capital cost. Therefore, **Route 1b** is selected as the route alignment for connecting pipework between Victoria PS to the outfall that will serve the proposed Foul PS and WWTP.

(2) Route alignment from the Proposed WWTP to the Existing Outfall

- 7.16 Two route options (Route 3 and Route 4) were identified to facilitate the requirement to deliver flows from the proposed WWTP to the outfall. **Table 7.6** sets out the detailed site assessment of these options.
- 7.17 Since the Site Selection Report was completed in November 2021, further information is available on cost and operating arrangements. The detailed site assessment of these options has been updated, the results of which are set out in **Table 7.6**.
- 7.18 As can be seen in **Table 7.6**, both routes shared positive similarities, including, being located away from sensitive receptors. In the 2021 Site Selection Report, Route 3 was deemed to be less appropriate as it would cause disruptions to local and tourist traffic along Dunlicky Road (c.800m). The capital costs of this option would also be higher, given the reinstatement requirements of the road and construction within an area where underlying rock is known to be present.
- 7.19 At the time of the 2021 Site Selection Report, Route 4 was the preferred option. Route 4 was considered more advantageous in terms of geology and hydrogeology, material assets, traffic, capital and operating costs, although it less advantageous in terms of biodiversity and hydrology. While Route 4, remains more advantageous in terms of geology and hydrogeology and traffic, further information on operation costs has

confirmed that it is now less advantageous in terms of material assets, capital and operating costs. It has been determined that **Route 3** is the preferred option for the following reasons:

- As it is located in an existing road, it is more advantageous in terms of biodiversity and hydrology.
- It causes the least disruption to landowners, resulting in a more advantageous score for material assets;
- It leads to better long-term operating arrangements, including costs, because existing pipes will not have to be isolated during future maintenance, resulting in a more advantageous score for capital and operating costs;
- The main will be within the public road, which is preferred for accessibility and maintenance purposes.

(3) Route alignment – Overall Conclusion

- 7.20 The overall conclusion of the detailed route assessment process is that **Route 1b is the preferred route from Victoria PS to the proposed WWTP, and Route 3 is the preferred route from the proposed WWTP to the outfall.**

Table 7.5: Site Selection Assessment 3 Route Alignments for Connecting Pipework (1) Route alignment from the Proposed Pumping Station to the Proposed WWTP

Criteria	Route 1		Route 1b (via Existing Mains)	
	Sub Criteria	Assessment	Key	Assessment
Environmental	AASR	Route 1 is located at the closest point, c.170m from the Kilkee Reef SAC. Route 1 is located at one location, c.15m from the Kilkee Upper watercourse. The Kilkee Upper watercourse flows to the Kilkee Reef SAC.	↑	Route 1b is the existing twin mains located c.180m from the Kilkee Reef SAC at the closest point. Route 1b is located at one location adjacent to the Kilkee Upper watercourse. The Kilkee Upper watercourse flows to the Kilkee Reef SAC.
	Biodiversity	Route 1 begins at PS Site 4 and follows the private access road between Haugh Mobile Park and Cunningham's Holiday for c.550m. Three of the alignment routes leading to WWTP Options 1, Option 3 and Option 4 then proceed for c.290m through improved agricultural grassland. The route alignment associated with Option 2 goes through improved agricultural grassland for c.400m. As stated, Route 1 is located within existing trackways classified as	↑	Route 1b begins at PS Site 4 and travels west. The alignment to all four WWTP Options turns westward. The existing twin mains route alignment is located within improved agricultural grassland (GA1), which is typically highly managed and has low biodiversity value. The existing hedgerow along the route will be maintained where possible to provide additional screening and to protect biodiversity within the area. Notwithstanding, the Kilkee Upper watercourse is a semi-natural habitat which provides higher biodiversity value

Buildings and Artificial Surfaces (BL3) and Improved Agricultural Grassland (GA1). Improved Agricultural Grassland is intensely managed, used for agricultural purposes and has low biodiversity value. Buildings and Artificial Surfaces (BL3) typically have limited biodiversity value. The existing hedgerow along the route will be maintained, where possible, to provide additional screening and to protect biodiversity within the area	within the local area. Mitigation will likely be required to prevent the potential for impacts on the watercourse.	Geology & Hydrogeology The works will be partially located within an urban area with underlying sandstones, siltstone, and mudstone. The groundwater vulnerability for the works falls within the moderate classification. The subsoil permeability is low.	—	Hydrology The works will predominantly be located within an existing road network and agricultural lands away from designated water courses.	A section of Route 1b is located adjacent to the Kilkee Upper watercourse; however, the proposed route will utilise existing mains.	↑
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Archaeology, Cultural & Architectural Heritage	There are no Protected Structures located within the vicinity of the route. The closest Recorded Monuments to the route are located c.80m and c. 160 m north-west in an agricultural field and north in the residential estate of Well Field, respectively.	—	There are no Protected Structures located within the vicinity of the route. The closest Recorded Monument to the route is c.50m south of the route. Therefore, the proposed works are outside of the sensitive receptor buffer zones.	↑
	Therefore, the proposed works are outside of the sensitive receptor buffer zones.		In addition, Route 1b will utilise existing twin mains installed in 2022.	
Planning	Land Use Zoning	The works are proposed on unzoned lands (the existing road network) and on 'Agriculture' zoned lands. For the WWTP Option 2 route, the works also travel through a small section of 'Existing Residential'. The CCDP 2023 to 2029 does not make reference to unzoned lands. Section 19.5.4 of Volume 1 of the CDP contains the following provision with respect to 'Uses Not Listed in the Indicative Zoning Matrix': <i>'Proposed land-uses which are not listed in the indicative land-use zoning matrix will be considered on a case-by-case basis having regard to the proper planning and sustainable development</i>	The works are proposed on 'Tourism', 'Buffer Space', and 'Agriculture' zoned lands. They also travel through a small section of 'Existing Residential'. Section 19.5.4 of Volume 1 of the CDP contains the following provision with respect to 'Uses Not Listed in the Indicative Zoning Matrix': <i>'Proposed land-uses which are not listed in the indicative land-use zoning matrix will be considered on a case-by-case basis having regard to the proper planning and sustainable development of the area and compliance with the relevant policies and objectives, standards and requirements as set out in this Clare County Development Plan 2023-2029, guidelines issued in</i>	—

<i>of the area and compliance with the relevant policies and objectives, standards and requirements as set out in this Clare County Development Plan 2023-2029, guidelines issued in accordance with Section 28 of the Planning and Development Act, 2000, as amended and guidance issued by other government bodies.'</i> The lands adjacent to Route 1 are zoned 'Existing Residential', 'Tourism', and 'Agriculture'. The proposed route will not impact their development potential. Therefore, the proposed wastewater infrastructure is considered to represent an acceptable land use for these zoned lands, noting the above-mentioned merits and the 'case-by-case' provisions set out in Section 19.5.4 of the CCDP 2023 to 2029	<i>accordance with Section 28 of the Planning and Development Act, 2000, as amended and guidance issued by other government bodies.'</i> The lands adjacent to Route 1b are zoned 'Existing Residential', 'Tourism', 'Agriculture', and 'Buffer Space'. Since this route will utilise existing mains, it will not impact the development potential/protection of these lands. Route 1b will utilise the existing twin mains installed in 2022. Therefore, the proposed wastewater infrastructure is considered to represent an acceptable land use for these zoned lands, noting the above-mentioned merits and the 'case-by-case' provisions set out in Section 19.5.4 of the CCDP 2023 to 2029.
Planning History & Current Usage On 27 November 2017, CCC issued a Grant Permission to Irish Water (now Uisce Éireann) for development within the existing Victoria PS site, Kilkee, Co. Clare (Reg. Ref. 17/754). This permission has been implemented.	On 27 November 2017, Clare CoCo issued a Grant Permission to Irish Water (now Uisce Éireann) for development within the existing Victoria PS site, Kilkee, Co. Clare (Reg. Ref. 17/754). This permission has been implemented.

	A planning application under Reg. Ref. 21/355 for an extension to the existing Cunningham's Holiday Park was lodged on 08 June 2021, but the council later Refused it on 04 April 2022. The current uses along the route include a road network and agricultural land. Route 1b will utilise the existing twin mains installed in 2022.	A planning application under Reg. Ref. 21/355 for an extension to the existing Cunningham's Holiday Park was lodged on 08 June 2021, but the council later Refused it on 04 April 2022. The current uses along the route include a road network and agricultural land. Route 1b will utilise the existing twin mains installed in 2022.	
Population & Sensitive Receptors	The works consist of a buried pipeline. Notwithstanding, Route 1 is located in an urban area and is surrounded by several sensitive receptors (residential/commercial properties). Consideration must be given to these sensitive receptors during the construction phase.	The works consist of directing flows into a buried pipeline, utilising existing twin mains installed in 2022.. Notwithstanding, Route 1b is located in an urban area and is surrounded by several sensitive receptors (residential/commercial properties). Consideration must be given to these sensitive receptors during the construction phase.	—
Material Assets	Route 1 will be buried under a portion of Victoria Park Road and a private access road between Haugh Mobile Park and Cunningham's Holiday.	Route 1b will utilise existing mains under a portion of Victoria Park Road, a private access road between Haugh Mobile Park and Cunningham's Holiday, and under grasslands.	↑

Technical / Economic	Traffic	Local traffic will be disrupted as a section of Route 1 will be located under the existing private access road between Haugh Mobile Park and Cunningham's Holiday and Victoria Park road (c.400m).	↓	There may be minor disruptions to local traffic as a result of the scheme.	—
	Capital & Operating Costs	The reinstatement requirements of a private access road between Haugh Mobile Park, Cunningham's Holiday, and Victoria Park Road will be expensive.	↓	There will be low construction costs associated with this route as it will utilise existing mains.	↑
	Flood Risk	A section of Route 1 is located within a flood area. Pumping mains will be at minimal risk except during the installation phase.	—	A section of Route 1b is located within a flood area.	—

Table 7.6: Site Selection Assessment 3 Route Alignments for Connecting Pipework (2) Route alignment Proposed WWTP to the Outfall

Criteria	Sub Criteria	Route 3		Route 4	
		Assessment	Key	Assessment	Key
Environmental	AASR	Route 3 is primarily c.120m+ south of Kilkee Reef SAC, with the route ending at the outfall point which is located within Kilkee Reef SAC. Route 3 is located c.600m north of the Kilkee Upper watercourse [EPA Code: 27K64] which ultimately flows to the Kilkee Reef SAC after c.2.3km.	—	Route 4 is primarily c.200m+ south of Kilkee Reef SAC, with the route ending at the outfall point which is located within Kilkee Reef SAC. Route 4 is located c.515m north of the Kilkee Upper watercourse [EPA Code: 27K64] which ultimately flows to the Kilkee Reef SAC after c.2.3km.	—
	Biodiversity	Route 3 is located within the Dunlicky Road for c.835m. The Dunlicky Road is classified as buildings and artificial surfaces (BL3) and this habitat has low biodiversity value.	↑	Route 4 is located adjacent to existing pipelines within improved agricultural grassland (GA1). This option extends for c.810m.	↓
		Route 3 is located c.600m from the Kilkee Upper watercourse [EPA Code: 27K64], at its closest point. An unmapped land drain is located c.180m to the south of Route 3.		Route 4 is located c.515m from the Kilkee Upper watercourse [EPA Code: 27K64], at its closest point. An unmapped land drain is located c.112m to the north of Route 4. The existing hedgerow along the route will be maintained where possible to protect biodiversity within the area.	

Geology & Hydrogeology	The majority of Route 3 is along Dunlicky Road and 'Bedrock Outcrop'. A section of the works will be located within an area of underlain sandstones siltstone and mudstone. The section of the route along the Dunlicky Road is within an area where groundwater vulnerability falls within 'Extreme' classification due to the proximity to the rock cliff face.	↓	Route 4 is located in an 'Underlain Sandstones, Siltstone and Mudstone' area. Some construction works are required within the 'Bedrock Outcrop' towards the existing outfall. The groundwater vulnerability for the route falls within 'Moderate' and 'High' classification. The subsoil permeability is low.	↑
	The works will predominately be located within an existing road network and agricultural lands away from designated water courses.	↑	The works are predominately within agricultural land but are located in close proximity to a watercourse which run parallel to the proposed route which is undesignated	↓
Archaeology, Cultural & Architectural Heritage	Route 3 is not located near to any Protected Structures.	—	Route 4 is not located near to any Protected Structures.	—
	The closest Recorded Monuments to the route are located c.190m east to the rear of a residential property off Dunlicky Road. Therefore, the proposed works are outside of the sensitive receptor buffer zones.		The closest Recorded Monuments to the route are located c.190m east to the rear of a residential property off Dunlicky Road. Therefore, the proposed works are outside of the sensitive receptor buffer zones.	

Planning	Land Use Zoning	The works are proposed on unzoned lands. The CCDP 2023 to 2029 does not make reference to unzoned lands. The lands adjacent to Route 3 are unzoned lands.	—	The works are proposed on unzoned lands. The CCDP 2023 to 2029 does not make reference to unzoned lands. The lands adjacent to Route 4 are unzoned lands.	—
	Planning History & Current Usage	There is no relevant planning history for Route 3. The current usages along the route include a road network and agricultural land.	—	There is no relevant planning history for Route 4. The current usages along the route include an access road, the route of the existing 350mm and 250mm diameter pumping mains from Victoria PS and agricultural land.	—
	Population & Sensitive Receptors	Route 3 is located in a rural area with a number of one-house residential dwellings. The works will not impact the sensitive receptors along the route as they consist of a buried pipeline.	—	Route 4 is located in a rural area with a number of one-house residential dwellings. The works will not impact upon the sensitive receptors along the route as they consist of a buried pipeline.	—
	Material Assets	The 2021 Site Selection Report assessed that the proposal to introduce a new pipe into a road (c. 835m section of Dunlicky Road at Route 3) is less advantageous in terms of material assets. Since that time, further information is available on capital and operating costs and maintenance making it the more advantageous option	↑	The 2021 Site Selection Report assessed that introducing a new pipe beside the existing pipes is more advantageous in terms of material assets. Further information on maintenance confirms that Route 4 is less advantageous due to the need to isolate the existing pipes during maintenance work.	↓

Technical / Economic	Traffic	The 2021 Site Selection Report assessed that there would be major disruptions to local and tourist traffic as a section of Route 3 will be located under the existing Dunlicky Road. The works were also assessed as causing road safety issues regarding accessing the Kilkee Cliff Walk. This assessment does not change the score of 'less advantageous' for Route 3 in traffic terms, however, it does clarify that the disruption to Dunlicky Road will be temporary in nature (over a c5 week period) and will be managed by traffic and road safety management (including diversions and carrying out the works outside of tourist season. There will be no road safety issues regarding access to the Kilkee Cliff Walk.	↓	There will be minor disruptions to the local access road.	↑
Capital & Operating Costs		The 2021 Site Selection Report notes that there will be costs associated with the installation of pipe and the reinstatement requirements for road infrastructure within Dunlicky Road (c.835m long). It did not consider the costs associated with landowner disturbance, which increases the capital costs of construction, making Route 3 the more advantageous option.	↑	The 2021 Site Selection Report notes that there will be costs associated with the installation of pipe and the reinstatement requirements of agricultural land. It did not consider operating/maintenance costs, which may be higher because the new pipework is laid beside existing pipework. This would require all pipes to be isolated during maintenance works, giving rise to a greater operating cost, making Route 4 less advantageous	↓

<i>Flood Risk</i>	The route is outside of any known flood area	—	The route is outside of any known flood area.	—
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8. Conclusion

- 8.1 In accordance with UÉ Guidelines, the Study Area for the WWTP site selection process has carefully considered the relevant project requirements and designations/ sensitive receptors in the area to achieve a balance between sensitively protecting the natural, landscape, amenity, tourism, and visual qualities of the area and delivering a much-needed technically viable WWTP.
- 8.2 This Site Selection Report 2025 updates the 2021 Site Selection Report to reflect changes in land conditions, infrastructure, planning policy, or planning applications since its publication. The aim of this 2025 Site Selection Report is to confirm whether the findings of the 2021 site assessment process remain robust and valid to support the compulsory purchase order (CPO) application. The basis of the site selection process, including the methodology for assessment, the search area, and the development proposal, remains unchanged.
- 8.3 It concludes that the 2021 Site Selection process remains robust and valid, as amended by the current site context, including most notably the installation of new supporting infrastructure in 2022 (twin mains) and new information (on cost and operating arrangements).
- 8.4 The conclusions of the site selection process are summarised in **Table 8.1** and depicted in **Figure 8.1** below:

Table 8.1: Site Selection Process – Preferred Options

Project Component	Preferred Option
New Wastewater Treatment Plant	Site Option 4
New Pumping Station at Victoria Park	Site Option 4
Route alignments for connecting pipework:	
1. Mains Route from Pumping Station to WWTP	Route Option 1b
2. Mains Route from WWTP to Existing Outfall	Route Option 3

- 8.5 The preferred sites are summarised as follows:
1. **Proposed Pumping Station – PS Site 4:** The preferred option for the proposed Foul PS remains unchanged from the 2021 Report, being an area west of the existing Victoria Pumping Station site.
 2. **New Wastewater Treatment Plant – WWTP Site 4:** On completion of the Site Selection Report (2021), after further consideration of these sites and their availability/suitability criteria, Site Option 4 was identified as the preferred option for the proposed WWTP. Given the similarities between Option 3 and Option 4, it is considered that the proposed change to the preferred option, i.e., from Option 3 to Option 4, will not materially change the conclusions of the Site Selection

Report (2021), with both sites sharing similar benefits and constraints. On this basis, Site 4 is selected as the preferred option.

3. **Route Alignments for Connecting Pipework – Route Options 1b and 3.** The installation of a new twin rising main in 2022 and further information on cost and operating arrangements have changed the context for the 2021 Site Selection Process, as follows:
 - a) Route Alignment from the Proposed Foul PS to the Proposed WWTP – Route Option 1b: Route 1b was not considered a preferred route in 2021 as the existing mains were not available for use when preparing the 2021 Site Selection Report. Given that these existing mains are now available for use, this report has determined that the repurposing of Victoria PS mains would be the least environmentally intrusive option, involve the least construction risk, and have the lowest capital cost. On this basis, Route 1b is selected as the preferred option.
 - b) Route Alignment from the Proposed WWTP to the Existing Outfall – Route Option 3: With the benefit of more information on cost and operating arrangements, Route 3 is now the preferred option. As it is located in an existing road, Route 3 it is more advantageous in terms of biodiversity and hydrology. It will cause the least disruption to landowners and will lead to better long-term operating arrangements, including costs, because existing pipes will not have to be isolated during future maintenance. On this basis, Route 3 is selected as the preferred option.



Figure 8.1: Site Selection Process – Graphic of Preferred Options

Turley Planning Dublin
4 Pembroke Street Upper
Dublin D02 VN24

May 2025

Turley

COMPULSORY ACQUISITION OF LANDS AND RIGHTS OVER LAND

UISCE ÉIREANN COMPULSORY PURCHASE (KILKEE WASTEWATER TREATMENT PLANT) ORDER, 2024
Prepared by Turley for Uisce Éireann

PLANNING REPORT



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1. BACKGROUND TO PROJECT

Turley (the Agent) has been instructed by Uisce Éireann (the Applicant) to submit a planning application for development on lands in the townlands of Kilkee Lower and Fohagh, Kilkee, Co. Clare (no Eircode available).

As of 14th January 2014, Uisce Éireann (formerly Irish Water) assumed responsibility from local authorities for water services functions nationally. A key element of the infrastructure challenge for Uisce Éireann is to meet the demands of decades of underinvestment in wastewater infrastructure. Uisce Éireann is a regulated water services utility. The Environmental Protection Agency (EPA) is the technical and environmental regulator and issues and enforces authorisations for wastewater discharges. The Commission for Regulation of Utilities (CRU) is the financial regulator and aims to ensure water services are delivered in a safe, secure and sustainable manner and that Uisce Éireann operates in an efficient manner. One of the main ways in which the CRU does this is through the revenue control process. These are defined periods of allowable expenditure which Uisce Éireann is required to comply with.

The main objectives of the Kilkee Wastewater Treatment Plant (WwTP) project are to satisfy the current and medium to long term wastewater treatment capacity demands of the town of Kilkee through the provision of appropriate wastewater treatment infrastructure. To note, there is currently no WwTP in Kilkee. Therefore, the untreated wastewater is being discharged into the Intrinsic Bay. Another main driver for the project is to ensure environmental compliance with the existing Wastewater Discharge Authorisation and the Water Framework Directive.

The project has been included in Uisce Éireann's Capital Investment Plan for 2020-2024 and sufficient resources are available to finance the proposed acquisition of these lands, permanent wayleaves, rights of way, temporary construction rights and temporary working areas and implementation of the Kilkee Sewerage Scheme.

2. SITE APPRAISAL REPORT OUTCOMES

As part of the design phase, a detailed site selection process was undertaken by Turley, in collaboration with Doran Consulting. The aim was to identify a suitably sized site for the proposed development which also considered the location of the existing outfall and infrastructure.

The proposed development is located at sites (c.4.56ha combined total) in the townlands of Kilkee Lower and Foohagh, Kilkee, Co. Clare (no Eircode available); comprising two areas of land principally bound: Subject Site (A) to the north by residential dwellings at Victoria Park and Páirc na mBláth, to the south by agricultural land and residential dwellings at Victoria Park, to the east by Victoria Stream and residential dwellings at Victoria Park, and to the west by Haugh Mobile Park and residential dwellings at Páirc na mBláth (c.1.05a); Subject Site (B) to the north by agricultural land and the Dunlicky Road beyond, to the east by an un-named access road and agricultural land, to the south by agricultural land and a residential dwelling beyond, and to the west by agricultural land – this site also includes a section of the Dunlicky Road that is within the Foohagh Townland (c.3.51ha).

The technical, engineering and other related requirements which have informed the site selection process for this critical wastewater infrastructure and its proposed location at the application site are set out below:

- Deliver a technically viable WwTP to end the current discharge of raw unscreened sewage into Intrinsic Bay and appropriately treat Kilkee's wastewater to UWWTD standards to help improve local environmental conditions including water quality.
- Deliver a technically viable WwTP that is sited and designed in accordance with the relevant national, regional and local planning policy context to ensure that no unacceptable adverse economic, social or environmental impacts will be created.
- Deliver a technically viable WwTP to service Kilkee's existing and future wastewater needs in accordance with objective 'CDP11.32: Wastewater Treatment and Disposal' of the Clare County Development Plan 2023-2029.
- Deliver a technically viable WwTP to enable Kilkee to continue to grow and achieve its future growth ambitions set out in the Clare County Development Plan 2023-2029.
- Deliver a technically viable WwTP which minimises operational and construction costs, construction disruptions/nuisance/impacts for Kilkee's residents/businesses/visitors and maximises operational and economic efficiencies.
- Identify a suitable site of at least 1.2ha capable of accommodating the technical/engineering process elements of the WwTP and its additional components, including: vehicle access and circulation areas; parking area for operational and maintenance staff; office and welfare facilities, solar panels and landscape screening.
- Identify a suitable site for the proposed WwTP outside of, and provide appropriate setbacks from, the following designations/assets/receptors to reduce the potential for any adverse natural, landscape, amenity, tourism or visual impacts:

- Sensitive designations including 'Heritage Landscape' and 'Scenic Route' designations.
- Tourism assets including the Wild Atlantic Way and Euro Velo Cycle Route along Dunlicky Road and the Kilkee Cliffs and pedestrian path.
- Sensitive receptors including Kilkee SAC, Flood Zone lands, Protected Structures, Recorded Monuments, residential properties, and etc.
- Identify a suitable site for the proposed WwTP as close as possible to Kilkee's urban setting to minimise the potential for any landscape or visual impacts.
- Identify a suitable site for the proposed WwTP as close as possible to the existing wastewater infrastructure and associated wayleaves in Kilkee to reduce construction costs/maximise existing investment, reduce construction disruptions to Kilkee (e.g. additional excavations and installations) and enable operational efficiencies.
- Minimise distances between the proposed WwTP, the area to be served (i.e. Kilkee)/ the collection point, the pumping station and the discharge point to reduce the potential for septicity in the network and its associated adverse effects.
- Identify a suitable site for the proposed WwTP which limits changes in elevation and reduces the need for additional pumping infrastructure which can negatively affect project costs, operational efficiency and technical viability of the WwTP solution.
- Identify a suitable site for the proposed WwTP as close as possible to appropriate road and access infrastructure for construction and operation requirements.

In accordance with UÉ Guidelines, the identification of the Study Area for the WwTP site selection process has given careful consideration to the abovementioned project requirements and designations/sensitive receptors to achieve a balance between sensitively protecting the natural, landscape, amenity, tourism and visual qualities of the area whilst also delivering a much-needed technically viable WwTP.

A total of 4 no. Site Options were considered in the 'Detailed Assessment' stage of the site selection process for the proposed WwTP. All 4 no. Site Options are located outside of the sensitive 'Heritage Landscape' and 'Scenic Route' designations. The 4 no. Site Options shared other similarities, such as: distance from the Kilkee SAC and sensitive receptors; potential for visual/landscape and noise/odour impacts; supported in principle by local planning policy; and land use.

Following detailed assessment, Site Option 4 (i.e. the application site) was identified as being the preferred Site Option for the proposed WwTP, as it was considered that this site would:

- Deliver a technically viable and critically needed WwTP to end the current discharge of raw unscreened sewage into Intrinsic Bay and appropriately treat Kilkee's wastewater to UWWTD standards to help improve local environmental conditions including water quality.
- Deliver a technically viable and essential WwTP which is sited and designed in accordance with the relevant national, regional and local planning policy context to

ensure that no unacceptable adverse economic, social or environmental impacts are created.

- Deliver a technically viable and vital WwTP to service Kilkee's existing and future wastewater needs in accordance with objective 'CDP11.32: Wastewater Treatment and Disposal' of the Clare County Development Plan 2023-2029.
- Deliver a technically viable and important WwTP to enable Kilkee to continue to grow and achieve its future growth ambitions set out in the Clare County Development Plan 2023-2029.
- Deliver a technically viable and critically needed WwTP which minimises operational and construction costs, construction disruptions/nuisance/impacts for Kilkee's residents/businesses/visitors and maximises operational and economic efficiencies.
- Ensure that a suitable site of at least 1.2ha is provided which is capable of accommodating the technical/engineering process elements of the WwTP and its additional components, including: vehicle access and circulation areas; parking area for operational and maintenance staff; office and welfare facilities, solar panels and landscape screening.
- Ensure that the proposed WwTP is located outside of, and with appropriate setbacks to, the following designations/assets/receptors to reduce the potential for any adverse natural, landscape, amenity, tourism or visual impacts:
 - Sensitive designations including the 'Heritage Landscape' and 'Scenic Route' designations.
 - Tourism assets including the Wild Atlantic Way and Euro Velo Cycle Route along Dunlicky Road and the Kilkee Cliffs and pedestrian path.
 - Sensitive receptors including Kilkee SAC, Flood Zone lands, Protected Structures, Recorded Monuments, residential properties, and etc.
- Ensure that the proposed WwTP is located as close as possible to Kilkee's urban setting to minimise the potential for any landscape or visual impacts.
- Ensure that proposed WwTP is located as close as possible to the existing wastewater infrastructure and associated wayleaves in Kilkee to reduce construction costs/maximise existing investment, reduce construction disruptions to Kilkee (e.g. additional excavations and installations) and enable operational efficiencies.
- Ensure that the distances between the proposed WwTP, the area to be served (i.e. Kilkee)/ the collection point, the pumping station and the discharge point are minimised to reduce the potential for septicity in the network and its associated adverse effects.
- Ensure the proposed WwTP is located to reduce changes in elevation and the need for additional pumping infrastructure which can negatively affect project

costs, operational efficiency and technical viability of the WwTP and pumping solution.

Ensure that the proposed WwTP is located close to appropriate road and access infrastructure for construction and operation requirements.

3. PROJECT DESCRIPTION

The development of Wastewater Treatment infrastructure in Kilkee has been proposed by Uisce Éireann to comply with regulatory requirements and to satisfy the current and medium to long term wastewater treatment capacity demands of the village of Kilkee.

The proposed development will consist of the installation of a wastewater treatment plant (WwTP) and a new foul pumping station (Foul PS) to facilitate an increased treatment capacity, and all associated site excavation, infrastructural and development works above and below ground providing Wastewater Discharge Licence (WWDL) compliant effluent – current WWDL requires secondary treatment but following an assessment primary treatment has been concluded as appropriate treatment, with a licence review to be submitted in line with this.

The component parts of the proposed development are outlined below:

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

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

[3] The installation of new sewers comprising of: c.45m of new gravity sewer that will intercept the flows into the existing Victoria PS and transfer these flows to the new Kilkee Foul PS; c.85m storm overflow pipe to Victoria Stream from Kilkee Foul PS; connecting pipework from existing network to new Foul PS, connecting pipework to existing rising mains and all associated interconnecting pipework; providing overflow to Victoria Stream

and associated new headwall, and new treated effluent rising mains; and c.1,050m of new rising main for the final effluent from the Kilkee WwTP to the existing Outfall manhole within the Foohagh Townland.

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

4. PLANNING HISTORY

4.1 Extant Permission

Turley carried out a planning history search for the subject site and surrounding area using the Clare County Council (Clare Co.Co. / the Council) and An Bord Pleanála (ABP/ the Board) online planning search tools.

The search concluded with no extant planning applications being identified.

4.2 Relevant Planning History

Turley carried out a planning history search for the subject site and surrounding area using the Clare County Council (Clare Co.Co. / the Council) and An Bord Pleanála (ABP/ the Board) online planning search tools. The applications identified are listed in the sections that follow.

A planning history search of adjacent sites was also undertaken in order to identify any relevant applications that could inform / impact the proposed development.

A planning history search of Subject Site (A) – Proposed Foul PS Site and Subject Site (B) – Proposed WwTP Site was undertaken in order to identify any relevant applications (within the last c.5-10 years) that could inform / impact the proposed development.

Subject Site A – Foul Pumping station

- **Reg. Ref. 17/754**

On 27 November 2017, Clare County Council issued a Grant Permission to Irish Water (now Uisce Éireann) for development within the existing Victoria PS site, Kilkee, Co. Clare. In summary, the development consists of the following works: construction of an electrical substation building with switch room / metering room (33sq.m.); an entrance off Victoria Park; construction of a standby generator building (39sq.m.); and construction of a welfare building with toilet and office (20sq.m.); and all associated site works. This permission has been implemented.

Subject Site B – Wastewater Treatment Plant Site

- The search concluded that there were no specific planning applications of relevance to the proposed development on Site B.

Adjacent Sites – A planning history search of adjacent sites was also undertaken in order to identify any relevant applications that could inform / impact the proposed development. The search concluded that there were no specific planning applications of relevance to the proposed development.

5. STRATEGIC PLANNING POLICIES AND OBJECTIVES

There are a number of strategic planning policies to support the proposed development at a national, regional and local policy level as follows:

5.1 Water Services Policy Statement

The *Water Services Policy Statement 2018-2025* (WSPS) was published by the Department of Housing, Planning and Local Government in May 2018. The WSPS identifies key policy objectives and priorities for the delivery of water and wastewater services in Ireland and provides the context within which necessary funding and investment plans by Uisce Éireann will be framed and agreed. The WSPS also informs the on-going development of rural water services.

The WSPS is based around 3 no. key themes: 'Quality'; 'Conservation' and 'Future Proofing'. Under each of these themes the WSPS sets a number of policy objectives.

With regard to 'Quality', the WSPS highlights that water quality is essential for public health, the convenience of daily life and the success of economic activity. It recognises that:

"...significant capital investment, together with operational and management improvements, are required to optimise the performance of our water and wastewater systems". Priority objectives of the WSPS with regards to 'Quality' and wastewater include:

- *Bringing and maintaining public water and wastewater services to acceptable international benchmarks, verified by independent monitoring and reporting.";* and
- *Achieving improved outcomes in quality in respect of drinking water and in wastewater in relation to rural and private water services."*

In relation to 'Conservation', the WSPS recognises that:

"Many existing water supply and wastewater facilities are operating at peak capacity. Conserving supplies through reducing per capita demands, eliminating leakages and wastage as far as practicable, and effective management of supply and service capacity is, therefore, becoming increasingly important."

Although the WSPS does not set any specific priority objectives with regards to 'Conservation' and wastewater, it does note that invest, incentives, discouraging wastage and education on water usage can all improve conservation; therefore, reducing the level of wastewater.

With regard to 'Future Proofing', the WSPS states that *"...Ireland's future economic and social progress is critically dependent on upscaling our capacity to deliver reliable, high quality water and wastewater services."* The WSPS note that there are long-term pressures on water service deliveries including an increasing demand due a population increase and economic growth, and the impacts of climate change and changing precipitation patterns. Priority objectives of the WSPS with regards to 'Future Proofing' and wastewater include:

- *"Ensuring that public and private water services investment decisions are aligned with the broad strategic aims of Project Ireland 2040: National Planning Framework.";* and

- *Adapting water services to withstand the impact of climate change and of such weather-related events, consistent with the National Adaption Framework - Planning for a Climate Resilient Ireland, published in January 2018.”*

5.2 Draft Water Services Guidelines for Planning Authorities

The ‘Draft Water Services Guidelines for Planning Authorities’ (Draft WSG) was open for submissions from 17 January 2018 to the 28 February 2018. To date, a finalised version of the guidelines has yet to be published.

Notwithstanding, while focusing on process rather than policy, the Draft WSG “...provides best practice guidance in relation to the interface between the planning and development functions provided by planning authorities and the delivery of public water services by Irish Water [Uisce Éireann]”.

‘Section 4.3’ of the Draft WSG states that:

“Following preliminary consultation with Irish Water [Uisce Éireann], the quantum, location and distribution of planned development within a plan area shall:

- *Have regard to the capacity of all aspects of the water services network (including water and wastewater treatment systems and water supply distribution or wastewater collection networks);*
- *Make efficient use of and optimise the capacity of existing or planned water services infrastructure; and*
- *Phase development in order to consolidate development, sequentially develop and avoid “leapfrogging” of serviced lands, as per the requirements of the Department’s Development Plan Guidelines 2007.”*

In assessing a waste services development, ‘Section 10’ of the Draft WSG lists a number of factors that the planning authority must consider:

- *“the nature and scale of water demand and wastewater discharge that would arise from the proposed development,*
- *the operating capacity of the water supply and wastewater collection networks and whether the proposed development would have a significant impact on the network (e.g. abstractions or discharges) or necessitate an upgrade or expansion of the network,*
- *the sensitivity of the receiving environment, and whether there is a risk of significant effects on habitats, species and sites that are protected under the Habitats Directive e.g. site that are proximate or downstream of the development or where cumulative impacts could arise.”*

Therefore, given the present and growing demand for wastewater services in Kilkee, the proposed development will deliver water services infrastructure that will eliminate, in so far as possible, the discharge of untreated wastewater into Intrinsic Bay.

Through improved environmental compliance, the proposed development will have a positive impact on the environment and habitats; please see the accompanying Natura Impact Statement prepared by MKO for more details.

5.3 Water Service's Strategic Plan (WSSP)

The Water Services Strategic Plan sets out strategic objectives for the delivery of water services over a 25-year period up to 2040. It details current and future challenges which affect the provision of water services and identifies the priorities to be tackled in the short and medium term. The plan considers its interaction with other national and regional strategic plans. One of the key strategic objectives as outlined in the Water Services Strategic Plan (2015) is presented as follows:

“Provide Effective Management of Wastewater”

The pertinent aims of this key objective are to:

- Manage the operation of wastewater facilities in a manner that protects environmental quality.
- Manage the availability and resilience of wastewater services now and into the future.
- Manage wastewater in an efficient and economic manner.

The Department of Housing, Planning and Local Government's Water Services Policy Statement identifies high level objectives and priorities for the delivery of water and wastewater services over the period to 2025. The Policy Statement has been prepared by Government, in line with the Water Services Act to give clear direction to strategic planning and decision making on water and wastewater services in Ireland. The policy statement seeks to ensure that there should be priority public health and environmental quality outcomes across the sector. At a minimum wastewater discharges should comply with standards set by the EU Urban Wastewater Treatment Directive so that wastewater should be collected and treated to an acceptable standard before it is discharged back into the environment.

The proposed development is in accordance with the objectives as outlined above.

5.4 Uisce Éireann's Capital Investment Plan

The Project is included in Uisce Éireann's List of Capital Projects by Local Authority area within the Capital Investment Plan (CIP 2020-2024). The required funding has been obtained and is available to complete the planned works and to acquire all associated wayleaves.

5.5 National Planning Framework

The Project Ireland 2040 National Planning Framework (NPF) is the Government's plan to cater for the extra one million people that will be living in Ireland, the additional two thirds of a million-people working in Ireland and the half a million extra homes needed in Ireland by 2040. The proposed development is considered to be in accordance with the National Planning Framework and in particular the following policies and objectives;

National Policy Objective 18a

“To support the proportionate growth of and appropriately designed development in rural towns that will contribute to their regeneration and renewal, including interventions in the public realm, the provision of amenities, the acquisition of sites and the provision of services.”

National Policy Objective 18b

“Develop a programme for ‘new homes in small towns and villages’ with local authorities, public infrastructure agencies such as Irish Water [now Uisce Éireann] and local communities to provide serviced sites with appropriate infrastructure to attract people to build their own homes and live in small towns and villages.”

National Policy Objective 32

“To target the delivery of 550,000 additional households to 2040.”

National Policy Objective 33

“Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.”

National Policy Objective 52

“The planning system will be responsive to our national environmental challenges and ensure that development occurs within environmental limits, having regard to the requirements of all relevant environmental legislation and the sustainable management of our natural capital.”

National Policy Objective 59

“Enhance the conservation status and improve the management of protected areas and protected species by:

- Implementing relevant EU Directives to protect Ireland’s environment and wildlife;*
- Integrating policies and objectives for the protection and restoration of biodiversity in statutory*
- development plans;*
- Developing and utilising licensing and consent systems to facilitate sustainable activities within Natura 2000 sites;*
- Continued research, survey programmes and monitoring of habitats and species.”*

National Policy Objective 63

“Ensure the efficient and sustainable use and development of water resources and water services infrastructure in order to manage and conserve water resources in a manner that supports a healthy society, economic development requirements and a cleaner environment.”

5.6 Regional Spatial and Economic Strategy for the Southern Region

In respect of wastewater infrastructure for the region, much of the focus in the Regional Spatial & Economic Strategy (RSES) for the Southern Region is on provision of infrastructure and

services in a sustainable, planned and infrastructure led manner to ensure the sustainable management of water, waste and other environmental resources.

The RSES recognises the role of Irish Water [now Uisce Éireann] in supporting planned development and maintaining and improve existing services in the Region. It pledges the Regional Authority's involvement in the preparation of Uisce Éireann's National Water Resources Plan which will include strategies for addressing quality issues.

In Chapter 5 a main Regional Policy Objective related to water quality is RPO 112 Water Quality which states that:

"It is an objective to support commitments to achieve and maintain "At Least Good" status, except where more stringent obligations are required, and no deterioration of status for all water bodies under the Marine Strategy Framework Directive and its programme of measures, the Water Framework Directive and the River Basin Management Plan. Key challenges include, inter alia, the need to address significant deficits in urban waste-water treatment and water supply, addressing flooding and increased flood risks from extreme weather events and increased intense rainfall because of climate change."

In Chapter 8, there is a Regional Policy Objective RPO 214 Eliminating Untreated Discharges and Long-term Planning which states that:

"It is an objective to support Irish Water [now Uisce Éireann] and the relevant local authorities in the Region to eliminate untreated discharges from settlements in the short-term, while planning strategically for the long-term in tandem with Project Ireland 2040 and the RSES and in increasing compliance with the requirements of the EU Urban Wastewater Treatment Directive."

5.7 Clare County Development Plan 2023 -2029

The following sections demonstrate the proposed development's compliance with, and support for, the delivery of the relevant Clare County Development Plan 2023 -2029 (Clare CDP) policies and objectives.

5.7.1 County Development Plan Core Strategy / Settlement Strategy

The 'Goal' of the 'Chapter 3 – Core Strategy' is for "Goal I: A County Clare that drives local and regional sustainable growth by harnessing the potential of its unique location, quality of life, natural resources and other competitive advantages."

'Table 3.1 – Settlement Hierarchy in County Clare' of the 'Core Strategy' identifies Kilkee as a 'Small Town'. Small towns are defined in 'Chapter 4 – Urban and Rural Spatial Strategy' as follows: "These [Small] towns are of fundamental importance as employment and tourist centres and as centres for the provision of services and facilities for their resident populations and their rural hinterlands."

The population target breakdown projections in the CDP indicate that the population of Small Towns in the county, including Kilkee will increase in the coming years. According to 'Table 3.4 – Core Strategy Table', the population target for Kilkee in 2029 is 1,631 no. persons, a projected population increase of 102 no. persons (6.7%) during the Clare CDP period and an increase of 476 no. persons (41%) from the 2016 population of 1,155 no. persons.

According to 'Table 3.4 – Core Strategy Table', the housing target for Kilkee between 2023-2029 is 64 no. housing units.

Chapter 4 – Urban and Rural Spatial Strategy of the Clare CDP states that several small towns require significant improvements in physical infrastructure, including water and wastewater services, in order to facilitate residential and commercial development, and assist in their long-term viability. The Clare CDP sets the following objective with regards to Small Towns:

CDP 4.6: Development Plan Objectives: Small Towns

"It is an objective of Clare County Council:

- a) To ensure that the small towns throughout the county continue to act as important local service centres that maintain sustainable communities, help to ensure a good quality environment, provide public transport to the main centres, and provide a high quality of life for those who live in the vicinity;*
- b) To work with the relevant bodies and to seek investment for the timely and sustainable delivery of holistic infrastructure, to enhance the levels of amenity and design quality and to regenerate and rejuvenate the Small Towns throughout the county;*
- c) To ensure that future growth is incremental and balanced in nature, and is relative and appropriate to the scale, size and character of the small towns and to seek to achieve centre out compact growth."*

Kilkee is a 'Small Town' that requires significant improvements in its physical infrastructure to realise the objectives in CDP 4.6, and more specifically a wastewater treatment solution. The proposed development will ensure that wastewater infrastructure is available within Kilkee to facilitate its existing and future growth, as set out in the Core Strategy. Therefore, it is considered that the proposed development is in accordance with the Clare CDP 'Core Strategy' and 'Urban and Rural Spatial Strategy'.

5.7.2 Clare County Development Plan Kilkee

Kilkee is located within the West Clare Municipal District. According to the 'Volume 3d West Clare Municipal District' of the Clare CDP, *"Kilkee is identified in the Clare settlement hierarchy as a Small Town and its role as an important service centre and tourism resort is recognised. The town is a popular, well-established Victorian seaside resort situated on the picturesque Moore Bay on the Wild Atlantic Way."*

'Volume 3d West Clare Municipal District' sets several 'General Objectives' for Kilkee including the following objectives which is of particular relevance to the proposed development:

“To make provision for the development and maintenance of physical service infrastructure that will effectively accommodate the resident population, meet the increase in demand during the summer months and allow for future growth.”

Considering the above ‘General Objective’, ‘Volume 3d West Clare Municipal District’ acknowledges the deficiencies in wastewater treatment infrastructure within Kilkee and states that a new wastewater treatment plant will be delivered during the lifetime of the Clare CDP, i.e., the proposed development:

“Drinking water is supplied via the West Clare Regional (Doolough Lake) Water Supply (RWS). There is currently limited wastewater treatment in Kilkee, however, a new wastewater treatment plant, pumping station and rising main are planned for the town. The wastewater treatment plant is due to be completed within the lifetime of the Plan. All future development in Kilkee will be contingent upon the provision of adequate wastewater treatment. Kilkee experiences seasonal traffic problems and the construction of a proposed lower ring road which would link the N67 at the Kilkee Bay Hotel, running west to the Carrigaholt Road and continuing to link up with the coast road, would help to alleviate this problem.”

[Our emphasis]

The proposed development will deliver essential infrastructure to facilitate the existing population and future growth of Kilkee in accordance with a ‘General Objectives’ set out in ‘Volume 3d West Clare Municipal District’. It is also highlighted that ‘Volume 3d West Clare Municipal District’ states that future development of Kilkee is contingent on the delivery of a new wastewater treatment plant. This statement emphasises the severity of the wastewater issue within the town and the urgency at which a new wastewater treatment plant is required. Therefore, it is considered that the proposed development will support and help achieve the strategy and general objective for Kilkee set out in ‘Volume 3d West Clare Municipal District’ of the Clare CDP.

5.7.3 Clare County Development Plan Land Use Zoning Objectives

The proposed Foul PS site (Subject Site (A)) is located within the settlement boundary of Kilkee. Subject Site (A) is zoned ‘Utilities’ and ‘Tourism’. With regards to the proposed WwTP site (Subject Site (B)), this site is located outside of the settlement boundary of Kilkee on lands that are not zoned. In addition, no reference is made to lands that are not zoned within the Clare County Development Plan 2023-2029.

With regards to Subject Site (A), the proposed foul PS will be developed on ‘Utilities’ zoned land, where it is considered a permitted in principle use, and on ‘Tourism’ zoned land. Considering the specific ‘TOU3’ zoning objective and Section ‘19.5.4 Uses Not Listed in the Indicative Zoning Matrix’ of the Clare CDP, it is submitted that the proposed foul PS works on the ‘Tourism’ zoned lands should be considered ‘Permitted in Principle’ given that it will provide an essential service to Kilkee that will facilitate its existing and future community and tourism industry.

With regards to Subject Site (B), the proposed WwTP will be constructed on lands that are not zoned. It is submitted that the proposed use of Subject Site (B) for a wastewater treatment

plant is a use that should be considered 'Permitted in Principle' given that it will deliver essential infrastructure to facilitate the existing population and future growth of Kilkee in accordance with a 'General Objectives' set out in 'Volume 3d West Clare Municipal District'. Therefore, it is considered that the proposed development is in accordance with the zoning designation in Kilkee.

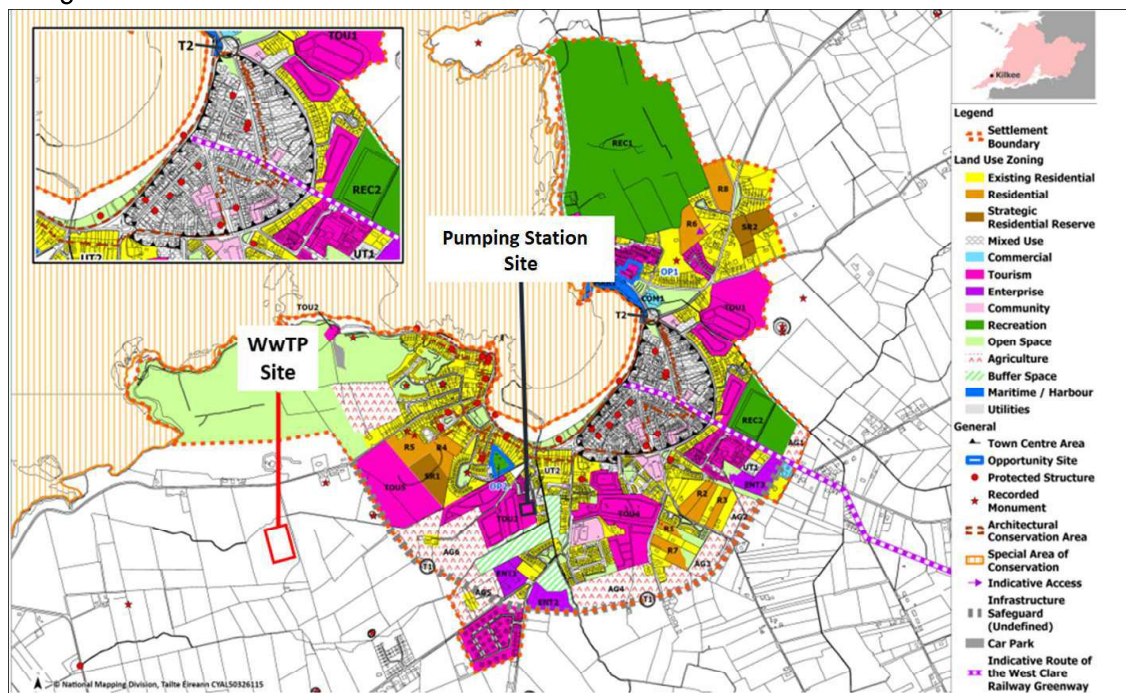


Figure 5.1: Kilkee Map – Land Use Zoning / General (Source: Volume 3d West Clare Municipal District – Clare CDP; Turley annotations – Indicative subject sites location in black (Proposed Foul Pumping Station (Subject Site (A)) and in red (Proposed WwTP (Subject Site (B))).

5.7.4 Clare County Development Plan Wastewater Services

'Chapter 11 – Physical Infrastructure, Environment and Energy' of the Clare CDP provides policies and objectives with regards to the delivery and management of existing and proposed wastewater infrastructure within the county. The 'Goal' of this chapter is "Goal XI: A county that supports strong economic growth and a high quality of life for all residents through the provision of efficient and robust physical infrastructure whilst having regard to environmental responsibilities and complying with European and National legislation."

Uisce Éireann has responsibility for the provision and management of wastewater facilities serving sewered towns and villages in the county. According to Section 11.4 of the Clare CDP: "The maintenance, upgrading and provision of the County's wastewater drainage system is essential to accommodate future development requirements and to ensure the sustainable development and environmental protection of the County".

The Clare CDP acknowledges that there are current issues with the existing wastewater systems in the county. Notwithstanding, it also notes that several treatment plant and network projects are currently being progressed under Uisce Éireann's 'Capital Investment Plan 2020-2024', including the proposed development.

The development of a wastewater treatment plant at Kilkee will provide Kilkee with the necessary wastewater infrastructure to fulfil Clare CoCo's wastewater objectives as set out in the 'Clare County Development Plan 2023-2029', which include:

CDP11.29 Development Plan Objective: Water Services

"It is an objective of Clare County Council:

- a) To work closely with Uisce Éireann to identify and facilitate the timely delivery of the water services required to realise the development objectives of this Plan;*
- b) To facilitate the provision of integrated and sustainable water services through effective consultation with Uisce Éireann on the layout and design of water services in relation to the selection and planning of development areas and the preparation of master plans;*
- c) To ensure that adequate water services will be available to service development prior to the granting of planning permission and to require developers to consult Uisce Éireann regarding available capacity prior to applying for planning permission; and*
- d) To ensure that development proposals comply with Uisce Éireann's standards and requirements in relation to water and wastewater infrastructure to facilitate the proposed development."*

CDP11.32 – Development Plan Objective: Wastewater Treatment and Disposal

"It is an objective of Clare County Council:

- a) To support the implementation of Uisce Éireann Investment Plans and to advocate the provision, by Uisce Éireann, of adequate wastewater treatment facilities to accommodate the target population and employment potential of the County in accordance with the statutory obligations set out in the EU and national policy and in line with the Core Strategy and Settlement Hierarchy set out in this Plan;...*
- c) To advocate for the on-going provision, maintenance and upgrade of wastewater treatment infrastructure in the County;*
- j) To encourage and support a changeover from septic tanks / private wastewater treatment plants to public collection networks wherever feasible, subject to connection agreements with Uisce Éireann and to ensure that any future development connects to the public wastewater infrastructure where it is available;"*

The proposed development will deliver essential infrastructure to facilitate the high tourist numbers and existing and future population in Kilkee, and to cease the current and unacceptable practice of discharging untreated wastewater directly into Intrinsic Bay, Kilkee, Co. Clare. Therefore, it is considered that the proposed development is in accordance with the wastewater policies and objectives set out in the Clare CDP.

5.7.5 Clare County Development Plan Natural Heritage

The subject sites are located in close proximity to SAC002264 Kilkee Reefs. The Kilkee Reefs SAC is located within Kilkee Bay, c.250m north of the proposed foul PS site (Subject Site (A)) and c.600m north of the proposed WwTP site (Subject Site (B)).

The subject sites are also located:

- c.2.7km from SAC002165 Lower River Shannon;
- c.5.9km from SAC002343 Tullaheer Lough and Bog;

- c.10.7km from SAC002250 Carrowmore Dunes; and
- c.14.1km from SAC001021 Carrowmore Point to Spanish Point Islands.

The subject sites are also located:

- c.3.9km from SPA004077 River Shannon and River Fergus Estuaries;
- c.4.6km from SPA004114 Illaunonearaun; and
- c.10.2km from SPA004182 Mid-Clare Coast.

To ensure that that the scheme has no / minimal adverse impacts on the 'Special Area of Conservation' and 'Special Protection Area' designations in proximity to the subject sites, a strategic landscaping led approach, in collaboration with a technical engineering perspective, has been employed in the design of the proposed foul PS works and the new WwTP. Therefore, it is considered that the proposed development is in accordance with the natural heritage policies and objectives set out in the Clare CDP.

5.7.6 Clare County Development Plan Biodiversity

With regards to biodiversity, Section 15.1 of the Clare CDP states that it is a 'Strategic Aim' of the Council "To promote sustainable development, in harmony with local biodiversity and, if possible, take steps to enhance the natural environment".

With regards to infrastructure project specifically, the Clare CDP sets the following biodiversity objective:

"CDP15.9 – Development Plan Objective: Natural Heritage and Infrastructure Scheme It is an objective of Clare County Council

To be responsive to environmental challenges and to ensure the protection of natural heritage when considering proposed service infrastructure and proposed road works (both realignments and new roads) located in, in close proximity to, or nearby protected species or sites of importance in terms of biodiversity."

An Ecological Impact Assessment (EclA) has been prepared for the proposed development by MKO. According to the EclA, once the prescribed measures set out in the EclA are implemented, there will be a Biodiversity Net Gain as a result of the proposed development.

A landscaping plan is also provided for both the WwTP and Pumping Station sites. At the Pump Station site, the boundary treatment comprises a 2.4m capped boundary wall with plaster to match the existing Victoria Park PS wall render. Native stone will be installed at the angled walls at the entrance into the gate and raised planters will also be provided on the Victoria Park facing side.

For the WwTP site, the boundary treatment will comprise a 1.2m stock proof fence followed by a 2.4m high earth berm, a mix of tall native grasses and shrubs and a 2.4m paladin fence for the full perimeter inside the berm.

The vegetation proposed as part of the scheme will be native to the area and match the existing species found nearby the site. Indeed, species selection adheres to the criteria outlined in the Irish Vegetation Classification (IVC) system.

The proposed planting species have been specifically chosen to accommodate the coastal environment and address site-specific challenges. The suggested planting plan embodies a native composition intended to integrate seamlessly with the natural ecosystem of the area. However, it is important to note that the land is currently subjected to high-intensity grazing, and neighbouring lands are not undergoing natural regeneration. Shrubs proposed include: Guelder Rose, *Viburnum opulus*, Hazel, *Corylus colurna*, Burnet Rose, *Rosa pimpinellifolia*. Tall grasses include: Marram Grass, *Ammophila arenaria*, Blue Lime Grass, *Leymus arenarius*, Sea Couch, *Elytrigia atherica*, Dune Grass, *Leymus mollis*, Sedge, *Carex arenaria*.

It is considered that the proposed development is in accordance with the biodiversity policies and objectives set out in the Clare CDP.

5.7.7 Clare County Development Plan Landscape Designations

According to the Landscape Designations Map (Map C) of the Clare CDP, the proposed foul PS site (Subject Site (A)) is not located in a landscape designated area. Notwithstanding, the proposed WwTP (Subject Site (B)) is located c.200m south of a 'Scenic Route' and a 'Heritage Landscape'. The section of the Dunlicky Road that is within the Foohagh Townland and the subject sites are located within the said 'Scenic Route' and a 'Heritage Landscape'.

Section 14.3.2 of the Clare CDP defines Heritage Landscapes as “*areas where natural and cultural heritage are given priority and where development is not precluded but happens more slowly and carefully.*”

The Clare CDP sets the following objective with regards to Heritage Landscapes:

“CDP14.5 – Development Plan Objective: Heritage Landscapes

It is an objective of Clare County Council:

To require that all proposed developments in Heritage Landscapes demonstrate that every effort has been made to reduce visual impact. This must be demonstrated for all aspects of the proposal - from site selection through to details of siting and design. All other relevant provisions of the Development Plan and the RSES must be complied with. All proposed developments in these areas will be required to demonstrate;

- I. That sites have been selected to avoid visual prominence;*
- II. That site layouts avail of existing topography and vegetation to minimise visibility from scenic routes, walking trails, public amenities and roads;*
- III. That design for buildings and structures minimises height and visual contrast through careful choice of forms, finishes and colour and that any site works seek to reduce the visual impact of the development.”*

Section 14.3 of the Clare CDP also states that “Planning applications in ‘Heritage Landscapes’ will generally be required to include landscape and visual impact assessments to demonstrate that the related objectives are being achieved.”

With regards to 'Scenic Routes', the Clare CDP sets the following objective:

CDP14.7 – Development Plan Objective: Scenic Route

“It is an objective of Clare County Council:

To protect sensitive areas from inappropriate development while providing for development and change that will benefit the rural community;

To ensure that proposed developments take into consideration their effects on views from the public road towards scenic features or areas and are designed and located to minimise their impact; and

To ensure that appropriate standards of location, siting, design, finishing and landscaping are achieved.”

A strategic landscaping led approach has been employed in the design of the proposed development. This approach has ensured that the scheme will have no / minimal adverse impacts on the landscape designation and the Wild Atlantic Way; with the extensive landscape boundary treatment having a positive impact on the receiving environment. Therefore, it is considered that the proposed development is in accordance with the landscape designation policies and objectives set out in the Clare CDP.

5.7.8 Clare County Development Plan Built Heritage

The subject sites are not located within an Architectural Conservation Area (ACA). There are no recorded archaeological sites within the proposed development areas.

The closest recorded archaeological sites included in the Record of Monuments and Places (RMP) and Sites and Monuments Record (SMR) database are a holy well (CL056-042) in Kilkee Upper, c.270m to the north west of the proposed foul PS site (Subject Site (A)) and an earthwork (CL056-034) and ringfort (CO056-036) also in Kilkee Upper, c.220m to the north east and c.330m to the east of the proposed WwTP (Subject Site (B)).

Given that the proposed landscaping strategy will screen the proposed foul PS (Subject Site (A)) and the proposed WwTP site (Subject Site (B)), and that there are no Protected Structure or Recorded Monuments in close proximity to the subject sites, it is considered that the proposed development will not have any significant adverse impact on any cultural assets. Therefore, it is considered that the proposed development is in accordance with the built heritage policies and objectives set out in the Clare CDP.

5.7.9 Clare County Development Plan Solar Energy

Power for the proposed WwTP will be provided by an ESB supply, which will be supplemented by onsite solar photovoltaic (PV) panels. The solar PV panels will be 3.5m in height and will cover an area of c.250sq.m. The solar PV panels will be orientated in a south facing arrangement. Back-up diesel generators will also be provided.

To note, a wildflower meadow is also proposed under and surrounding the solar PV panels in the interest of biodiversity.

With regards to solar energy, the Clare CDP sets the following objective:

CDP2.18 – Development Plan Objective: Solar Energy

“It is an objective of Clare County Council:

- a) To facilitate and support the development of solar farms in appropriate locations throughout the county including on agricultural lands and brownfield sites subject to normal planning considerations; and*
- b) To encourage the use of solar thermal or solar PV installations as part of the design and planning process for new developments and refurbishments.”*

The solar panels are proposed in the interest of sustainability and with consideration for climate change. They will create green energy that will supplement the power required to operate the WwTP. A ‘Solar Photovoltaic Glint and Glare Study’ was prepared for the proposed development by Lint to ensure that the proposed solar PV panels do not have any adverse impacts on surrounding sensitive receptors.

UÉ’s Water Services Policy Statement 2018 – 2025 states that UÉ, as a water services provider, must play their part in contributing to Ireland’s national energy efficiency targets by reducing greenhouse gas (GHG) emissions, energy usage and carbon impacts in line with targets set by Government for public bodies in general. This statement aligns with the Climate Action and Low Carbon Development Act 2015; the Climate Action and Low Carbon Development (Amendment) Act 2021; and the Climate Action Plan 2023, which has committed Ireland to achieving net zero emissions by no later than 2050.

As a public sector body, Uisce Éireann, in the delivery of water services, is obliged to achieve a 51% reduction in CO2 equivalent (CO2e) emissions by 2030; be 50% more energy efficient by 2030; and generate 40% of its electrical energy needs from renewables by 2035. UÉ has committed to being Net Zero Carbon by 2040.

Therefore, it is considered that the proposed development is in accordance with the solar energy objectives set out in the Clare CDP.

6.0 ENVIRONMENTAL ASSESSMENT

6.1 Compliance with Water Framework Directive

The Kilkee agglomeration is below the 10,000 P.E. threshold for discharges to coastal waters, at which the Emission Limit Values (ELVs) specified in the Urban Waste Water Treatment Regulations apply (25:125:35 mg/l for BOD: COD: SS respectively).

For agglomerations under this threshold, 'appropriate treatment' was required by 31st December 2005, as specified in Article 7 of the Directive 91/271/EC3. The term 'appropriate treatment' is defined in the Directive as *"treatment of urban wastewater by any process and/or disposal system which after discharge allows the receiving waters to meet the relevant quality objectives and the relevant provisions of the Directive and of other Community Directives"*. Following technical and engineering assessment of the agglomeration and its wastewater requirements, primary treatment has been identified as the appropriate treatment solution to achieve the minimum ELVs as specified in the Urban Waste Water Treatment Regulations.

The proposed development will deliver a Foul PS and WwTP to treat final effluent from the Kilkee Agglomeration to the standard required by the Urban Waste Water Treatment Directive (UWWTD). Uisce Éireann proposes to develop a WwTP to serve the Kilkee agglomeration for 30yr Summer design PE (maximum) of 7,926.

6.2 Existing Wastewater Discharge Authorisation

A system for the licensing or certification of wastewater discharges from areas served by local authority sewer networks was brought into effect on 27 September 2007 with the introduction of the Waste Water Discharge (Authorisation) Regulations, 2007 (S.I No. 684 of 2007). This licensing and certification process gives effect to a number of EU Directives by the imposition of restrictions or prohibitions on the discharge of dangerous substances and the implementation of measures required under the Water Framework Directive (WFD) and thus preventing or reducing the pollution of waters by wastewater discharges. All discharges to the aquatic environment from sewerage systems owned, managed and operated by water service authorities require a wastewater discharge licence or certificate of authorisation from the EPA.

The authorisation process provides for the EPA to place conditions on the operation of such discharges to ensure that potential effects on the receiving water bodies are limited and controlled with the aim of achieving good surface water status and good groundwater status no later than December 2015.

Specified Improvement Programmes (under Schedule A and C of WWDL) require upgrade of the wastewater works to provide primary treatment by 01 November 2022.

6.3 Environmental Impact Assessment Screening

An Environmental Impact Assessment (EIA) Screening has been prepared by Turley in relation to the proposed development in accordance with Schedule 5 and Schedule 7A of the

Planning and Development Regulations 2001, as amended, and has had due regard of the criterion set out within the European Directive 2014/52/EU.

The report has assessed the proposed development in terms of the possible effects on the environment. Through an EIA screening methodology of EIA thresholds, it has been established that an EIAR was not required to accompany the subject application.

The EIA Screening, prepared by Turley, concluded that:

“The proposed development has been assessed against the criterion for sub threshold projects. It is anticipated that the proposal would not be likely to have a significant effect on the environment as result of the characteristics of the proposed development, location of proposed development or the characteristics of potential impacts. It has been established that an Environmental Impact Assessment Report (EIAR) is not required to accompany the subject application.”

6.4 Appropriate Assessment Screening Report / Natura Impact Assessment

An ‘Article 6 (3) Appropriate Assessment Screening Report’ (AA Screening) has been prepared by MKO for this planning application to assess whether the proposed development, individually or in combination with other plans or projects, and in view of best scientific knowledge, are likely to have a significant effect on any European site(s).

Subsequently, a ‘Natura Impact Statement’ (NIS) was also prepared by MKO. The NIS evaluated the significance of potential effects on European sites from the proposed development, alone and / or in combination with other plans or developments.

The AA Screening assessment prepared by MKO concluded the following:

“It cannot be excluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed development, individually or in combination with other plans and projects, would be likely to have a significant effect on:

- Kilkee Reefs SAC

It can be concluded, on the basis of objective information, that the Proposed Development, individually or in combination with other plans or projects, will not have a significant effect on any other European Site.”

Accordingly, a NIS was carried out by MKO with respect to the above listed European Site, which concludes as follows:

“This NIS has provided an assessment of all potential direct or indirect adverse effects on European Sites.

Where the potential for any adverse effect on any European Site has been identified, the pathway by which any such effect may occur has been robustly blocked through the use of avoidance, appropriate design and mitigation measures as set out within this report and its appendices. The measures ensure that the construction and operation of the proposed development does not adversely affect the integrity of European sites.

Therefore, it can be objectively concluded that the Proposed Development, individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site.”

6.5 Ecological Impact Assessment Report

An ‘Ecological Impact Assessment’ (EcIA) has been prepared by MKO for the proposal to assess the potential impacts arising from the proposed development with regard to key biodiversity receptors identified as likely to occur within the immediate vicinity of the proposed works and within the wider study area, i.e., the zone of impact.

Where required, mitigation measures are proposed to avoid, reduce or remediate potential impacts in order to avoid significant impacts on sensitive ecological receptors.

The EcIA, prepared by MKO, concluded that:

“Following consideration of the residual effects (post incorporation of best practice measures) it is concluded that there will be no significant impacts on biodiversity given the nature, scale and design of the proposal.

The potential residual impacts on ecological receptors will not be significant and no potential for the proposed development to contribute to any cumulative impacts on biodiversity when considered in combination with other plans and projects was identified. Provided that the proposed development is constructed and operated in accordance with the design described within this application, significant effects on biodiversity are not anticipated at any geographic scale.”

6.6 Invasive Species Survey

An ‘Invasive Species Survey’ has been prepared by MKO for the proposal. The ‘Invasive Species Survey’ concluded that:

“The survey identified that invasive species stands were restricted in area. The proposed works are such that areas where the Third Schedule invasive species, Japanese Knotweed, is present will be avoided and recommended measures have been provided to avoid any potential spread of the stand as a result of construction access.

The recommendations outline a range of measures which will ensure that stands of the non-Third Schedule invasive species, Montbretia, will not be disturbed by the works insofar as possible, and the work will be carried out by minimising the risk of spreading the species.”

6.7 Archaeological Impact Assessment

An 'Archaeological Impact Assessment' (AIA) has been prepared by Lane Purcell Archaeology for the proposal. The AIA concluded that:

“Desktop Study and Site Inspection

There are no recorded archaeological sites within the proposed development areas. The closest recorded archaeological sites included in the RMP and SMR database are a holy well (CL056-042) in Kilkee Upper, c. 270m to the NW of the FPS and an earthwork (CL056-034) and ringfort (CO056-036) also in Kilkee Upper, c. 220m to the NE and c. 330m to the east of the WWTP.

A walkover survey of the proposed development sites in August and September 2022 did not identify any archaeological finds or features. The site of the proposed FPS has been subject to previous ground disturbance thus limiting the potential to find subsurface archaeological finds or features which may have been present. The site of the proposed WWTP is greenfield with the potential to find subsurface archaeological finds or features.

Impacts

There are no recorded archaeological sites within the proposed development areas. The proposed developments will, therefore, not impact on any known recorded archaeological site.

No potential finds or features of archaeological significance were noted by the desktop study and walkover survey.

The proposed developments will involve large scale topsoil stripping and ground reduction. This would have a significant effect on any potential archaeological sites or features that may survive below the ground surface. Where extensive earthmoving is involved there is always the possibility that archaeological material will be uncovered.

Mitigation

The proposed WWTP site is greenfield with the potential to find intact subsurface archaeological remains. Licenced archaeological testing of the site of the WWTP and pipe connection to the existing PMS is recommended in advance of any development. The proposed FPS site has been subject to extensive ground disturbance in the past and the likelihood of finding intact subsurface archaeological sites is therefore limited. Licenced archaeological monitoring of the site of the FPS during construction is recommended.

If previously unknown archaeological features are identified they will be either preserved by record or preserved in situ. Preservation in situ will require the relocation of the element of the development beyond the area of archaeological sensitivity. Preservation by record will require the excavation of the archaeological material; such material will be fully resolved to professional standards of archaeological practice (Policy Guidelines on Archaeological Excavation – Department of Arts, Heritage, Gaeltacht and the Islands). This work will be funded by the developer.”

6.8 Flood Risk

6.8.1 Flood Risk Assessment

A 'Flood Risk Assessment Stage 2' (FRA), undertaken by Doran Consulting, accompanies the planning application submitted to Clare County Council. The flood risks at both the proposed foul PS site (Subject Site (A)) and the proposed WwTP site (Subject Site (B)) were assessed under the following headings: historical flooding, fluvial flooding, coastal flooding, pluvial flooding and groundwater flooding.

The Planning System and Flood Risk Management (OPW 2009) document contains a Vulnerability Versus Flood Zone Matrix that illustrates the types of development that are considered appropriate for each Flood Zone and those that would be required to meet a Justification Test.

With regards to the Justification Test, the FRA confirms that:

"The proposed development is considered to be a highly vulnerable development as it is essential infrastructure (Water and Sewage Treatment). The Vulnerability Matrix states that a highly vulnerable development must satisfy the requirements of a Justification Test to be deemed suitable for development if it is located in Flood Zone A or B."

The FRA concluded that:

Historical Flooding – New Pumping Station

The OPW Historical Flood Map for the area of the proposed PS site indicates that there are no records held by OPW of flooding on or near the site.

Historical Flooding – WwTP

The OPW Historical Flood Map for the area of the proposed WwTP site indicates that there are no records held by OPW of flooding on or near the site.

Fluvial Flooding – Pumping Station

The OPW Fluvial Flood Maps indicate the site is classified within Flood Zone A where the probability of flooding from rivers and the sea is highest (greater than 1% or 1 in 100 for river flooding). As the site is within Flood Zone A in regard to fluvial flooding it is reasonable to conclude that the risk of fluvial flooding to the site is high and therefore the site required a Justification Test to be completed.

Fluvial Flooding – WwTP

The OPW Fluvial Flood Maps indicate the site is classified within Flood Zone C where the probability of flooding from rivers and the sea is lowest (less than 0.1% or 1 in 1000 for both river and coastal flooding). As the site is within Flood Zone C in regard to fluvial flooding it is reasonable to conclude that the risk of fluvial flooding to the site is low and therefore the site did not require a justification test.

Coastal Flooding – New Pumping Station

The new PS site is approximately 250m inland from the nearest coastline and it is not within the 1 in 1,000 year coastal flood extents, therefore it is reasonable to conclude the risk of coastal flooding to the site is moderate. The site is within Flood Zone B where the probability of flooding from rivers and the sea is moderate (between 0.1% or 1 in 1000 and 1% or 1 in 100 for river flooding and between 0.1% or 1000 year and 0.5% or 1 in 200 for coastal flooding), however the site required a justification test as it is a highly vulnerable development.

Coastal Flooding – WwTP

The National Indicative Fluvial Flood Maps, published in 2020, indicate the site is classified within Flood Zone C where the probability of flooding from rivers and the sea is lowest (less than 0.1% or 1 in 1000 for both river and coastal flooding). As the site is within Flood Zone C in regard to coastal flooding it is reasonable to conclude that the risk of fluvial flooding to the site is low and therefore the site did not require a Justification Test.

Pluvial Flooding

The OPW Rivers Pluvial flood extent maps for the area of the proposed sites indicate no flooding within either site boundaries in both the present day and the future climate change scenarios. It is therefore considered that both sites are at not risk to pluvial flooding.

Groundwater Flooding

The Geological Survey Ireland Ground Water Flood Mapping indicates that the proposed sites are not at risk to ground water flooding for neither the high, medium or low risk probability events.

Justification Test

A Justification Test was completed for the proposed development. The proposed development is deemed to satisfy the requirements of the Justification Test. Therefore, it can be considered that the proposed development is suitable for the associated flood risk as per the PSFRM Guidelines.”

6.8.2 Kilkee Flood Relief Scheme

A Flood Defence Scheme for Kilkee is currently in the design stage. Clare CoCo and the OPW, through their consultants JBA Consulting, presented the preferred fluvial option to members of the public, local businesses, and other interested parties and invited them to submit their feedback on the preferred fluvial option.

The OPW is providing funding for the initial phases of the project (feasibility and initial design) and will also fund construction works when planning permission has been granted. The scheme will improve the standard of flood protection for Kilkee to protect against the 1% Annual Exceedance Probability (1 in 100 year) fluvial (river) flood event.

7.0 CONCLUSION

The proposed development is in accordance with Planning Policy and Strategic Development for the area. This is illustrated by the policies and objectives identified above in the National Planning Framework, the Regional Spatial and Economic Strategy for the Southern Region, and the Clare County Development Plan, which are consistent with the aims of the project.

Uisce Éireann considers that the proposed scheme is required to fulfil its duties under the Water Services Act, 2007. The construction of the new wastewater treatment plant, foul pumping station and associated main will ensure the necessary infrastructure is in place to promote sustainable development within the town. This in turn will also allow Kilkee to remain as a potential location for investment.

It is considered that the proposed development and the associated acquisition of lands and rights over lands does not present any material issues for:

- National Planning Framework
- Regional Spatial and Economic Strategy for the Southern Region
- Clare County Development Plan 2023-2029.

COMPULSORY ACQUISITION OF LANDS AND RIGHTS OVER LAND

Uisce Éireann COMPULSORY PURCHASE (KILKEE WWTP) ORDER, 2025

ENGINEERS REPORT

To: CEO, Uisce Éireann

Date: May 2025

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Purpose of Report

1. The purpose of this report is to recommend to the Managing Director the making of the proposed Uisce Éireann Compulsory Purchase (KILKEE WWTP) Order, 2025.
2. The Order is required for the purposes of Uisce Éireann's advancing the Kilkee WWTP ("the Project") which is included in the Uisce Éireann's Capital Investment Plan (CIP 2025-2029).

The Functions of Uisce Éireann

3. On 1st January 2014 all functions conferred on water services authorities by the Water Services Act 2007 (other than excluded provision and section 22) were transferred to Uisce Éireann by section 7(1) of the Water Services (No 2) Act 2013. Consequently, Uisce Éireann has powers, duties and functions vested in it by the Water Services Act, 2007 to make proper provision for water services as defined in the Water Services Act, 2007. In this regard, Uisce Éireann is responsible for the provision and development of water services, including the collection, treatment and discharge of urban wastewater. I confirm that the transferred functions include all functions necessary to Uisce Éireann's adoption and carrying into effect of the Kilkee WWTP and to the proposed Compulsory Purchase Order.
4. As a Water Services Authority, Uisce Éireann has under Sections 31 and 32 of the Water Services Act, 2007, powers and function to provide water services including but not limited to the provision, operation or maintenance of sewers and waste water collection and treatment facilities, the construction or maintenance, or arrangement for the construction and maintenance of, water works, or waste water works and the purchasing or obtaining premises or wayleaves that are necessary to fulfil its functions under the Water Services Act, 2007.

The Community Need underlying the Scheme.

The Existing Situation & the Need for the Scheme

5. Kilkee has been identified as an untreated coastal agglomeration and is not currently served by a wastewater treatment plant (WWTP). Untreated wastewater is being discharged to coastal waters at present.

Kilkee is currently served by a combined sewer network conveying flows to Victoria Pumping Station (PS), which pumps all flows to an outfall located approximately 1.7km to the west of its location. Victoria PS is currently served by 2No. rising mains which discharge into a common header manhole located approximately 300m from the final outfall location at Intrinsic Bay. The flows are conveyed by a single gravity sewer from the header manhole to the discharge point. The outfall discharges through the cliff face above high tide level.

All wastewater which currently enters the public sewer in Kilkee is discharged without treatment to Intrinsic Bay. This poses a risk to water quality and detracts from the amenity value of the adjacent coastal waters. In addition, the discharge of untreated wastewater is not in compliance with the EEU Directive (Urban Wastewater Treatment Directive [91/271/EEC] and national regulations, e.g. the Urban Wastewater Treatment Regulations SI No. 254 of 2001, concerning the collection and treatment of urban wastewater.

Description of the Scheme & Public Interest

6. Generally, the scheme consists of:
 - Construction of a New Terminal Foul Pumping station with Emergency Storage to convey sewage flows from the Kilkee agglomeration to the proposed WWTP via existing rising mains.
 - Construction of a new WWTP providing primary treatment and including stormwater storage, with a new final effluent outfall PS and new final effluent rising main to existing outfall. The Kilkee WWTP scheme is designed for a population equivalent of 7,926 PE.
7. The main objectives of the project are as follows:
 - The provision of appropriate treatment to eliminate the current discharge of untreated wastewater from the Kilkee Agglomeration
 - To comply with the standards required by the Urban Wastewater Treatment Directive (UWWTD).
 - To provide adequate capacity to facilitate the planned development and forecasted growth of the Kilkee agglomeration.

History of Scheme Development and Statutory Processes

8. Kilkee has been identified as a coastal agglomeration in Ireland as having no treatment and is identified as an Untreated Agglomeration by the Environmental Protection Agency (EPA). Discharges from wastewater treatment plants are required to comply with the standards of treated effluent quality stated in the Urban Wastewater Treatment Directive (UWWTD). The legislative context for provision and licencing of appropriate wastewater treatment infrastructure in Ireland is governed by the Urban Wastewater Treatment Regulations (S.I. No. 254 of 2001) and the Wastewater Discharge (Authorisation) Regulations (S.I. No. 684 of 2007). All discharges from waste water collection systems and treatment plants throughout the country which serve an agglomeration of greater than 500 PE (population equivalent) are required to be issued with a Wastewater Discharge Licence from the Environmental Protection Agency (EPA) and to comply with the conditions set out in the licence.
9. Uisce Éireann is committed to providing appropriate treatment for the agglomeration under the Untreated Agglomeration Scheme (UTAS) programme of works.

In 2020, EPS and their subconsultants were appointed under the Uisce Éireann Early Contractor Involvement (ECI) Wastewater programme to develop the scheme from feasibility stage to the completion of construction.

The Need for these Lands

10. The subject lands within this order are required, to facilitate the construction of elements of the scheme, namely the new Wastewater Treatment plant, Foul pumping station, gravity sewers, and rising mains. During the design process various pipe routes and sites were examined with the current proposed scheme being the most feasible however It was determined that lands not in the ownership of Clare County Council/ Uisce Éireann would be required.
11. The lands, permanent wayleaves, temporary wayleaves, temporary working areas and Rights of Ways required for the Kilkee WWTP as it affects the Kilkee area, (and to be included in the proposed Compulsory Purchase Order) are described in the schedules to the enclosed draft “Uisce Éireann Compulsory Purchase (Kilkee WWTP) Order 2025” and are depicted in the following proposed Compulsory Purchase Order Drawings:
 - UE/10015237/CPO/0001
 - UE/10015237/CPO/0002
12. Attempts have been made to acquire these lands, permanent wayleaves, temporary wayleaves, temporary working areas and Rights of Ways by agreement.
13. When it was determined that it would not be possible to acquire these lands, permanent wayleaves, temporary wayleaves, temporary working areas and Rights of Ways by agreement, it was decided to seek a Compulsory Purchase Order.

Alternatives Considered

14. An outline of the alternatives include:
 - Alternative locations for the WWTP.
 - Alternative locations for the Foul PS
 - Alternative locations for sewer network elements of project namely - gravity sewers and rising mains.

I am satisfied that all reasonable alternatives as outlined above have been fully considered and are not demonstrably preferable and that these lands, permanent wayleaves, temporary wayleaves, temporary working areas and Rights of Ways are necessary for the Kilkee WWTP and are suitable for the purpose for which they are required. Please refer to the Kilkee Wastewater Treatment Plant Site Selection Report May 2025 enclosed. This 2025 report updates the Kilkee Wastewater Treatment Plant Site Selection Report (November 2021) to reflect changes in site conditions, infrastructure, planning policy, or planning applications since its publication. The basis of the site selection process, including the methodology for the assessment, the area of search, and the development proposal, has not changed.

Works are not in Contravention of the Provisions of the Statutory Development Plan

15. There are several strategic planning policies to support the proposed development:

- Water Services Policy statement
- Water Services Strategic Plan
- Uisce Éireann's Capital Investment Plan
- National Planning framework
- Regional Spatial and Economic strategy for the Southern Region
- Clare County Development Plan 2023 – 2029

Please refer to the CPO Planning Report enclosed.

Planning Status

16. A planning application for the Project was lodged with Clare Co. Co. on 03rd January 2024. A response to a request for Further information was submitted by Uisce Éireann to Clare County Council on the 16th August 2024. Planning permission was subsequently refused by Clare County Council on the 16th of October and Uisce Éireann lodged an appeal to An Bord Pleanála on the 12th of November 2024. At the time of writing Uisce Éireann is currently awaiting a decision regarding the outcome of the planning appeal from An Bord Pleanála.

Engagement with Landowners/Lesseees/Occupiers.

17. Engagement with Landowners/Lesseees/Occupiers (landowners) began in March 2022. Uisce Éireann's Landowner Liaison Officers (LLOs) introduced the project in person and acted as the point of contact for the landowners for any queries related to the project (not related to compensation). Formal correspondence was also issued to the landowners as part of Uisce Éireann's engagement. The following letters were issued on the corresponding dates:
- Introduction to Project – Issued on 24th March 2022
 - Introduction to Valuer – Issued on 18th June 2022
 - 60 Day Letter – Issued on 03rd August 2023

See details of landowner engagement in Table 1 and Table 2 below.

Table 1: Kilkee WWTP scheme Landowner Engagement details noted by Avison Young on behalf of Uisce Éireann

Landowner: Brideford Properties Ltd.

Brideford Properties Ltd.	Hon. Secretary	29/03/2022	Telephone Call	Telephone conversation re scheme and re arranging a meeting with UE to discuss
Brideford Properties Ltd.	Hon. Secretary	04/04/2022	Telephone call	Call rang to voicemail. TH left message with proposed dates for requested site meeting
Brideford Properties Ltd.	Hon.Secretary	22/07/2022	Email	Email to BP with proposed dates for meeting in Kilkee
Brideford Properties Ltd.	Hon. Secretary, Chairperson, House Owner	10/08/2022	Meeting	Meeting in Kilkee in Paul Mullins property to discuss the scheme and proposed acquisitions from Brideford Properties. Queries from Brideford were taken back to UE for response
Brideford Properties Ltd.	Hon. Secretary	17/10/2022	Email	Email from BP seeking update on responses to queries raised at meeting
Brideford Properties Ltd.	Hon.Secretary	21/10/2022	Email	Email from BP seeking update on responses to queries raised at meeting
Brideford Properties Ltd.	Hon. Secretary	21/10/2022	Email	Email to BP with responses to queries raised at meeting
Brideford Properties Ltd.	Hon. Secretary, Chairperson, House Owner	13/12/2022	Meeting	Meeting in South Court Hotel Limerick with Brideford & UE
Brideford Properties Ltd.	Hon.Secretary, Chairman	13/06/2023	Emails	Email to BP & PM
Brideford Properties Ltd.	Hon. Secretary, Chairman	18/12/2023	Email	Email to BP & PM notifying of erection of site notices in advance of planning application
Brideford Properties Ltd.	Hon. Secretary, Chairperson, House Owner	07/02/2024	Meeting	Meeting to discuss various queries, requests, issues with Brideford
Landowner: Mark Haugh				
Mark Haugh	Landowner	29/03/2022	Telephone Call	Call to MH however phone rang out - did not go to voicemail
Mark Haugh	Landowner	10/06/2022	Telephone Call	Call to MH to discuss scheme and proposed acquisition
Mark Haugh	Landowner	14/06/2022	Email	Email to MH with draft plot ref plan for his review/comments
Mark Haugh	Landowner	15/06/2022	Meeting	Met onsite at Kilkee to discuss proposed acquisitions under scheme

Mark Haugh	Landowner	14/07/2022	Telephone Call	Call to MH-phone rang to voicemail - left message seeking call back. Received text from MH advising he out of country until 25th July
Mark Haugh	Landowner	25/08/2022	Telephone Call	Call to MH - phone rang to voicemail - left message seeking call back
Mark Haugh	Landowner	31/08/2022	Telephone Call	Call from MH re documents received having issued to his Valuer
Mark Haugh	Landowner	13/06/2023	Email	Mail to MH with revised plot ref drawing showing proposed acquisitions
David Considine	Valuer	02/11/2023	Telephone Call	Call to DC but phone rang to voicemail - left message with my details
David Considine	Valuer	08/12/2023	Telephone Call	Call to landowner's Valuer to discuss scheme and proposed acquisitions
David Considine	Valuer	14/12/2023	Email	Mail to DC
Mark Haugh	Landowner	18/12/2023	Email	Mail to MH noting site notice will be erected at his property for the planning application in early Jan
David Considine	Valuer	22/01/2024	Email	Mail to DC noted re pending CPO publication
Mark Haugh	Landowner	19/02/2024	Email	Mail from MH re payment due to him. TH response advising payment relates to existing upgrade works completed and not the current scheme works.
David Considine	Valuer	15/04/2024	Email	Mail to DC requesting access for noise monitoring surveys
David Considine & Liam Browne	Valuer	18/04/2024	Meeting	Meeting onsite in Kilkee to discuss acquisitions etc
David Considine	Valuer	11/09/2024	Email	Mail to DC with proposed reinstatement plan for review with his client and noting anticipated CPO publication date and requesting he tell his client
David Considine	Valuer	22/01/2025	Telephone Call	Call to DC but phone diverted to office - left message with reception
David Considine	Valuer	22/01/2025	Telephone Call	Telephone conversation with DC to update re planning for scheme
David Considine	Valuer	25/03/2025	Telephone Call	Call to DC but phone diverted to office - left message with reception
Landowner: Seán Haugh				
Seán Haugh	Landowner	08/06/2022	Telephone Call	Call with Mr Haugh re the scheme
Seán Haugh	Landowner	15/06/2022	Meeting	Meeting onsite with Mr Haugh regarding the scheme & access for surveys

Seán Haugh	Landowner	21/07/2022	Telephone Call	Call with Mr Haugh re walkover surveys
Seán Haugh	Landowner	10/08/2022	Meeting	Meeting onsite with Mr Haugh regarding the scheme
Seán Haugh	Landowner	02/09/2022	Telephone Call	Call with Mr Haugh re SI
Seán Haugh	Landowner	30/01/2023	Telephone Call	Call with Mr Haugh re scheme status
Seán Haugh	Landowner	12/09/2023	Telephone Call	Call with Mr Haugh re scheme status
Seán Haugh	Landowner	18/12/2023	Telephone Call	Call with Mr Haugh re scheme status
Seán Haugh	Landowner	21/02/2024	Telephone Call	Call with Mr Haugh re scheme status
Seán Haugh	Landowner	23/04/2024	Telephone Call	Call with Mr Haugh re laneway at side of his holding
Seán Haugh	Landowner	24/09/2024	Telephone Call	Call with Mr Haugh re current status of scheme and CPO
Seán Haugh	Landowner	22/01/2025	Telephone Call	Call with Mr Haugh re planning status and CPO
Seán Haugh	Landowner	20/03/2025	Telephone Call	Call with Mr Haugh re planning status and CPO
Landowner: Eugene Hennessy				
Michelle Nolan	Landowners Solicitor	18/11/2022	Email	Introductory mail to MN with scheme and acquisition details
Michelle Nolan	Landowners Solicitor	13/06/2023	Email	Mail to MN re updated scheme drawings and acquisitions sought from her client
Michelle Nolan	Landowners Solicitor	28/09/2023	Email	Mail from MN
Michelle Nolan	Landowners Solicitor	18/10/2023	Email	Mail to Mn
Michelle Nolan	Landowners Solicitor	23/10/2023	Email	Mail from MN with queries from her client
Michelle Nolan	Landowners Solicitor	31/10/2023	Email	Mail to MN with responses to queries raised and note re getting Valuer advice
Michelle Nolan	Landowners Solicitor	20/11/2023	Email	Mail to MN following up on previous mails
David Considine	Valuer	02/11/2023	Telephone Call	Call to DC but phone rang to voicemail - left message with my details
David Considine	Valuer	08/12/2023	Telephone Call	Call to landowner's Valuer to discuss scheme and proposed acquisitions
David Considine	Valuer	14/12/2023	Email	Mail to DC
David Considine	Valuer	22/01/2024	Email	Mail to DC noted re pending CPO publication

David Considine	Valuer	15/04/2024	Email	Mail to DC requesting access for noise monitoring surveys
David Considine & Liam Browne	Valuer	18/04/2024	Meeting	Meeting in Kilkee to discuss acquisition
David Considine	Valuer	22/01/2025	Telephone Call	Call to DC but phone diverted to office - left message with reception
David Considine	Valuer	22/01/2025	Telephone Call	Telephone conversation with DC to update re planning for scheme
David Considine	Valuer	25/03/2025	Telephone Call	Call to DC but phone diverted to office - left message with reception
Landowner: Joseph Hennessy				
Michelle Nolan	Landowners Solicitor	18/11/2022	Email	Introductory mail to MN with scheme and acquisition details
Michelle Nolan	Landowners Solicitor	13/06/2023	Email	Mail to MN re updated scheme drawings and acquisitions sought from her client
Michelle Nolan	Landowners Solicitor	28/09/2023	Email	Mail from MN
Michelle Nolan	Landowners Solicitor	18/10/2023	Email	Mail to Mn
Michelle Nolan	Landowners Solicitor	23/10/2023	Email	Mail from MN with queries from her client
Michelle Nolan	Landowners Solicitor	31/10/2023	Email	Mail to MN with responses to queries raised and note re getting Valuer advice
Michelle Nolan	Landowners Solicitor	20/11/2023	Email	Mail to MN following up on previous mails
David Considine	Valuer	02/11/2023	Telephone Call	Call to DC but phone rang to voicemail - left message with my details
David Considine	Valuer	08/12/2023	Telephone Call	Call to landowner's Valuer to discuss scheme and proposed acquisitions
David Considine	Valuer	14/12/2023	Email	Mail to DC
David Considine	Valuer	22/01/2024	Email	Mail to DC noted re pending CPO publication
David Considine	Valuer	15/04/2024	Email	Mail to DC requesting access for noise monitoring surveys
David Considine & Liam Browne	Valuer	18/04/2024	Meeting	Meeting in Kilkee to discuss acquisition
David Considine	Valuer	22/01/2025	Telephone Call	Call to DC but phone diverted to office - left message with reception
David Considine	Valuer	22/01/2025	Telephone Call	Telephone conversation with DC to update re planning for scheme

David Considine	Valuer	25/03/2025	Telephone Call	Call to DC but phone diverted to office - left message with reception
Landowner: John Keane				
John Keane	Landowner	04/04/2022	Telephone Call	Called Mr Keane - no response left voicemail
John Keane	Landowner	07/06/2022	Telephone Call	Called Mr Keane - advised he would not deal with the scheme until UE agree to replace existing pipe
John Keane	Landowner	12/09/2023	Telephone Call	Called Mr Keane - No Response left voicemail. Mr Keane returned my call & I missed his call back
John Keane	Landowner	13/09/2023	Telephone Call	Called Mr Keane to discuss scheme
John Keane	Landowner	08/11/2023	Telephone Call	Called Mr Keane
John Keane	Landowner	21/03/2024	Telephone Call	Called Mr Keane - phone rang out - did not connect to voicemail

Table 2: Kilkee WWTP scheme Landowner Engagement noted by the Land Liaison Officer on behalf of Uisce Éireann

Landowner: Brideford Properties Ltd.			
Brideford Properties Ltd.	20/01/2022	Email and telephone call to BP	Discussion on ownership of Plot 13
Brideford Properties Ltd.	24/01/22	Email confirmation from BP	Confirming public ROW
Brideford Properties Ltd.	09/03/2022	In-person	Meeting to discuss issues around wayleave, smells from plant, size, access for construction
Brideford Properties Ltd.	30/03/2022	Email from BP	Requesting on site meeting to discuss site layout
Brideford Properties Ltd.	30/05/2022	Email from BP	Highlighting issues around site investigations and damage to lawn area.
Brideford Properties Ltd.	13/12/2022	Meeting with Brideford, UE and AY in Limerick	Meeting in South Court Hotel
Brideford Properties Ltd.	15/06/2023	On site meeting	Meeting with Brideford and EPS on site layout
Brideford Properties Ltd.	16/06/2023	Email from BP	Confirming directors contact details of Brideford Properties
Brideford Properties Ltd.	08/02/2024	In person	Meeting with Brideford and Tracy Horan (AY)

Brideford Properties Ltd.	15/02/2024	Email to BP	Confirming pre-construction survey
Brideford Properties Ltd.	12/10/2024	Meeting with BP	Meeting with Brideford and Tracy Horan (AY)

Landowner: Seán Haugh

Landowner	Date	Type of contact	Comments
Seán Haugh	16/02/2022	In-person	Advise on commencement of SI
Seán Haugh	24/10/2022	Phone call to SH	Advise on further SI

Landowner: Mark Haugh

Landowner	Date	Type of contact	Comments
Mark Haugh	Prior to 2022	In-person and telephone calls	Advising of planned scheme and location of storm tanks
Mark Haugh	10/02/2022	Phone call	Advise on commencement of SI

Landowner: Eugene Hennessy

Landowner	Date	Type of contact	Comments
Eugene Hennessy	Prior to 2022	Telephone calls	Advising of planned scheme and location of storm tanks
Eugene Hennessy	10/03/2022	Telephone call from EH	Questions on size of site, effect on planning and next steps

Regulatory Compliance

18. Having consulted with the Uisce Éireann Asset Strategy Unit and taking into account all aspects of the Project I am satisfied that in developing the Project and in proposing this Compulsory Purchase Order full account has been taken of:

- Proper Planning and Sustainable Development
- Protection of Human Health and the Environment - The Project serves the objective of the Urban Wastewater Treatment Directive, which is to protect the environment from the adverse effects of wastewater discharges.
- Directive 2000/60/EC (Water Framework Directive). The Project is designed to assist in facilitating the achievement of water body objectives under the Water Framework Directive with respect to wastewater treatment and effluent discharges.

- Directive 91/271/EEC (The Urban Wastewater Treatment Directive). It sets minimum standards for collection systems, wastewater treatment plants and discharge of treated wastewater back to water bodies.
- Water Services Acts 2007-2013. These Acts set out the legislative context in which Uisce Éireann operates. Uisce Éireann's powers and objectives are set out under these Acts and the Project has been designed and will be implemented in line with these powers and objectives.
- The Uisce Éireann Water Services Strategic Plan. The Project advances and/or is consistent with the following objectives of the Plan - which provides for effective management of wastewater, protect and enhance the environment, and support social and economic growth:
 - Meet Customer Expectations.
 - Ensure a Safe and Reliable Water Supply.
 - Provide Effective Management of Wastewater.
 - Protect and enhance the Environment;
 - Support Social and Economic Growth; and
 - Invest in Our Future.

Conclusion

19. I am satisfied that all reasonable alternatives have been fully considered and these lands and rights over land are necessary for this scheme and suitable for the purpose for which they are required. I am also satisfied that Uisce Éireann requires to invoke the Compulsory Purchase Order procedure for the lands and rights over land required as it is unlikely that all of the foregoing could be required by agreement with the relevant Landowners with full title or otherwise in a timely fashion.
20. Accordingly, it is recommended that Uisce Éireann make the Uisce Éireann Compulsory Purchase (Kilkee WWTP) Order, 2025.

Dated this 26th day of May 2025

SIGNED: *Patrick Greene*

Patrick Greene, Chartered Engineer

Portfolio Manager, Uisce Éireann

Documents Enclosed with This Report

1. Overview Drawing of Scheme: 10015237- DRC -ZZ -XX- DR -Y-0001
2. Compulsory Purchase Order Drawings:
 - UE/10015237/CPO/0001
 - UE/10015237/CPO/0002
3. Kilkee WWTP CPO Planning Report
4. Kilkee Wastewater Treatment Plant Site Selection Report May 2025
5. Compulsory Purchase Order Schedule

SCHEDULE

PART 1 – LAND ACQUISITION

Land other than land consisting of a house or houses unfit for human habitation
and not capable of being rendered fit for human habitation at reasonable expense

Plot Number shaded grey on the drawings deposited at	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
Uisce Éireann Colvill House 24-26 Talbot Street Dublin 1 And Sweeney Memorial Public Library, Cultúrlann Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960							
001	UE/10015237/CPO/0001	0.2198	Kilkee Lower, Moyarta, Kilkee	Open Space	MARK HAUGH of Carnacalla North, Kilrush, County Clare	N/A	N/A

004	UE/10015237/CPO/0001	0.0048	Kilkee Lower, Moyarta, Kilkee	Grass Verge	BRIDEFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A
024	UE/10015237/CPO/0002	1.4610	FOOHAGH, Moyarta, Kilkee	Agricultural Land and Laneway	Sean Haugh Breaffe South, Spanish Point Co. Clare	N/A	N/A
034	UE/10015237/CPO/0002	0.0179	FOOHAGH, Moyarta, Kilkee	Agricultural Land	EUGENE HENNESSY of 61-23 81 Street, Middle Village, New York, NY 11379 C/O MICHAEL F. NOLAN, SOLICITOR, KILRUSH, COUNTY CLARE	N/A	N/A
036	UE/10015237/CPO/0002	0.0062	FOOHAGH, Moyarta, Kilkee	Agricultural Land	EUGENE HENNESSY of 61-23 81 Street, Middle Village, New York, NY 11379 C/O MICHAEL F. NOLAN, SOLICITOR, KILRUSH, COUNTY CLARE	N/A	N/A
038	UE/10015237/CPO/0002	0.0070	FOOHAGH, Moyarta, Kilkee	Agricultural Land	JOSEPH HENNESSY of 537 Orangeburg Road, Pearl River, New York, NY 10965 C/O MICHAEL F. NOLAN, SOLICITOR,	N/A	N/A

Plot Number shaded grey on the drawings deposited at	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
Uisce Éireann Colvill House 24-26 Talbot Street Dublin 1 And Sweeney Memorial Public Library, Cultúrlann Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960							
					KILRUSH, COUNTY CLARE		

PART 2 – PERMANENT WAYLEAVE

Sub-Part A – Description of Wayleave

The right for the Company, its successors in title, assigns, tenants, servants or agents, contractors or other licensees:

- (i) to construct, lay, keep, operate, maintain, renew, repair and inspect waste water works as defined in the Water Services Act, 2007 and all associated pipelines and all other associated physical elements used for collection, storage or treatment of waste water and such other works, services, facilities and other things as are necessary or expedient in relation thereto or are ancillary thereto or form part of such waste water works, in, on or under the land specified in Sub-Part B below, together with the right,
- (ii) to enter with all necessary vehicles, plant and machinery upon the said land at all times for any of the said purposes.

Sub-Part B – Description of Land

Plot Number coloured yellow and hatched in red on yellow on the drawings deposited	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
Uisce Éireann Colvill House 24-26 Talbot Street Dublin 1 And Sweeney Memorial Public Library, Cultúrlann Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960							

002	UE/10015237/CPO/0001	0.0105	Kilkee Lower, Moyarta, Kilkee	Open Space	MARK HAUGH of Carnacalla North, Kilrush, County Clare	N/A	N/A
006	UE/10015237/CPO/0001	0.0069	Kilkee Lower, Moyarta, Kilkee	Roadway Footpath and Grass verge	BRIDEFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A
007	UE/10015237/CPO/0001	0.0141	Kilkee Lower, Moyarta, Kilkee	Roadway	BRIDEFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A
008	UE/10015237/CPO/0001	0.0051	Kilkee Lower, Moyarta, Kilkee	Footpath	BRIDEFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A

Plot Number coloured yellow and hatched in red on yellow on the drawings deposited	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
Uisce Éireann Colvill House 24-26 Talbot Street Dublin 1 And Sweeney Memorial Public Library, Cultúrlann Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960							

013	UE/10015237/CPO/0001	0.0202	Kilkee Lower, Moyarta, Kilkee	Grass Verge	BRIDEFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A
014	UE/10015237/CPO/0001	0.0550	Kilkee Lower, Moyarta, Kilkee	Roadway	BRIDEFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A
025	UE/10015237/CPO/0002	0.1905	FOOHAGH, Moyarta, Kilkee	Agricultural Land	Sean Haugh Breaffe South, Spanish Point Co. Clare Clare	N/A	N/A
031	UE/10015237/CPO/0002	0.0387	FOOHAGH, Moyarta, Kilkee	Agricultural Land, Open Space, Roadway	JOHN KEANE Foohagh, Kilkee, County Clare	N/A	N/A
041	UE/10015237/CPO/0001	0.1048	Kilkee Lower, Moyarta, Kilkee	Utilities PS Site	Unknown	N/A	BRIDEFORD PROPERTIES LIMITED of BEECHMOUNT

							HOUSE, RATHEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK UISCE ÉIREANN CLARE CO.CO. - Chief Executive, Clare County Council, New Road, Ennis, Co. Clare.
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PART 3 – PERMANENT RIGHT OF WAY

Sub-Part A – Description of Rights

The right for the Company, its successors in title, assigns, tenants, licensees, servants or agents, contractors and workmen, to enter upon and to pass and re-pass over the lands specified in Sub-Part B below with or without all and any vehicles, plant and machinery necessary or desirable for the purpose, for the purpose of ingress and egress to and from the public road at all times, for all purposes of and by all means in connection with the use and occupation by the Company, its successors in title, assigns, tenants, licensees, servants or agents, contractors and workmen, of any lands (including rights over land and the wayleaves described in Part 2 of this Schedule).

Such right shall include

- the right to lay and maintain a suitable roadway and works ancillary thereto over the lands specified in Sub-Part B below
- the right to do in, on, under or over the lands specified in Sub-Part B below anything reasonably necessary for or ancillary or incidental to the construction, repair, maintenance and alteration of the Scheme on any land (including rights over land and the wayleaves described in Part 2 of this Schedule).

Sub-Part B – Description of Lands

Plot Number hatched in red on white, hatched in red on yellow and hatched in red on green on the drawings deposited at	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
Uisce Éireann Colvill House 24-26 Talbot Street Dublin 1 And Sweeney Memorial Public Library, Cultúríann Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960							

005	UE/10015237/CPO/0001	0.0108	Kilkee Lower, Moyarta, Kilkee	Roadway	BRIDEFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A
007	UE/10015237/CPO/0001	0.0141	Kilkee Lower, Moyarta, Kilkee	Roadway	BRIDEFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A
010	UE/10015237/CPO/0001	0.0074	Kilkee Lower, Moyarta, Kilkee	Roadway	BRIDEFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A
012	UE/10015237/CPO/0001	0.0467	Kilkee Lower,	Roadway	BRIDEFORD PROPERTIES LIMITED of BEECHMOUNT	N/A	N/A

			Moyarta, Kilkee		HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK			
014	UE/10015237/CPO/0001	0.0550	Kilkee Lower, Moyarta, Kilkee	Roadway	BRIDEFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A	
041	UE/10015237/CPO/0001	0.1048	Kilkee Lower, Moyarta, Kilkee	Utilities PS Site	Unknown	N/A	BRIDEFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK UISCE ÉIREANN CLARE CO.CO. - Chief Executive, Clare County Council, New Road, Ennis, Co. Clare.	

PART 4 – TEMPORARY WORKING AREA

Sub-Part A – Description of Rights

The temporary right for the Company, assigns, tenants, licensees, servants or agents, contractors and workmen in common with all others who have the like right to use the land specified in Sub-Part B below to enter with all necessary vehicles, plant and machinery upon the said lands and to use the land to pass and re-pass over same for the purpose of ingress and egress to and from the public road at all times, for all purposes of and by all means in connection with the use and occupation by the Company its successors in title, assigns, tenants, licensees, servants or agents, contractors and workmen in common with all others who have the like right of lands and rights over land acquired by it for the purposes of the Kilkee Wastewater Treatment Plant. Such rights include the right to do anything reasonably necessary for or ancillary or incidental to the construction of the structures and the waste water works as defined in the Water Services Act, 2007 to be laid, erected, or constructed on the lands described in Part 1 of this Schedule and the wayleaves described in Part 2 of this Schedule in, on, under or over the lands specified in Sub-Part B below.

Sub-Part B – Description of Lands

Plot Number coloured green and hatched in red on green on the drawings deposited at	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
Uisce Éireann Colvill House 24-26 Talbot Street Dublin 1 And Sweeney Memorial Public Library, Cultúrlann Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960							
003	UE/10015237/CPO/0001	0.5194	Kilkee Lower, Moyarta, Kilkee	Open Space	MARK HAUGH of Carnacalla North, Kilrush, County Clare	N/A	N/A

005	UE/10015237/CPO/0001	0.0108	Kilkee Lower, Moyarta, Kilkee	Roadway	BRIDEFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A
009	UE/10015237/CPO/0001	0.0129	Kilkee Lower, Moyarta, Kilkee	Grass Verge	BRIDEFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A
010	UE/10015237/CPO/0001	0.0074	Kilkee Lower, Moyarta, Kilkee	Roadway	BRIDEFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A
011	UE/10015237/CPO/0001	0.0015	Kilkee Lower, Moyarta, Kilkee	Footpath	BRIDEFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27	N/A	N/A

Plot Number coloured green and hatched in red on green on the drawings deposited at	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
Uisce Éireann Colvill House 24-26 Talbot Street Dublin 1 And Sweeney Memorial Public Library, Cultúrlann Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960							
					FORTFIELD, RAHEEN, CO LIMERICK		

Plot Number coloured green and hatched in red on green on the drawings deposited at	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
Uisce Éireann Colvill House 24-26 Talbot Street Dublin 1 And Sweeney Memorial Public Library, Cultúrlann Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960							
026	UE/10015237/CPO/0002	0.7898	FOOHAGH, Moyarta, Kilkee	Agricultural Land	Sean Haugh Breaiffe South, Spanish Point Co.Clare	N/A	N/A

Plot Number coloured green and hatched in red on green on the drawings deposited at	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
Uisce Éireann Colvill House 24-26 Talbot Street Dublin 1 And Sweeney Memorial Public Library, Cultúrlann Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960							
027	UE/10015237/CPO/0002	0.0299	FOOHAGH, Moyarta, Kilkee	Lane Way	Sean Haugh Breaiffe South, Spanish Point Co.Clare	N/A	N/A

Plot Number coloured green and hatched in red on green on the drawings deposited at	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
Uisce Éireann Colvill House 24-26 Talbot Street Dublin 1 And Sweeney Memorial Public Library, Cultúrlíann Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960							
033	UE/10015237/CPO/0002	0.0229	FOOHAGH, Moyarta, Kilkee	Agricultural Land, Open Space, Roadway	JOHN KEANE Fohagh, Kilkee, County Clare	N/A	N/A

035	UE/10015237/CPO/0002	0.1163	FOOHAGH, Moyarta, Kilkee	Agricultural Land	EUGENE HENNESSY of 61-23 81 Street, Middle Village, New York, NY 11379 C/O MICHAEL F. NOLAN, SOLICITOR, KILRUSH, COUNTY CLARE	N/A	N/A
037	UE/10015237/CPO/0002	0.0314	FOOHAGH, Moyarta, Kilkee	Agricultural Land	EUGENE HENNESSY of 61-23 81 Street, Middle Village, New York, NY 11379 C/O MICHAEL F. NOLAN, SOLICITOR, KILRUSH, COUNTY CLARE	N/A	N/A
039	UE/10015237/CPO/0002	0.0346	FOOHAGH, Moyarta, Kilkee	Agricultural Land	JOSEPH HENNESSY of 537 Orangeburg Road, Pearl River, New York, NY 10965 C/O MICHAEL F. NOLAN, SOLICITOR, KILRUSH, COUNTY CLARE	N/A	N/A
42	UE/10015237/CPO/0001	0.1194	Kilkee Lower, Moyarta, Kilkee	Utilities PS Site	UNREGISTERED	N/A	BRIDEFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD,

	RAHEEN, CO LIMERICK				
	UISCE ÉIREANN				
	CLARE CO.CO. - Chief Executive, Clare County Council, New Road, Ennis, Co. Clare.				

FORM OF COMPULSORY PURCHASE ORDER UNDER

The Water Services Acts, 2007 to 2013 (and, in particular, Section 7 of the Water Services (No. 2) Act, 2013 and Parts 2 and Sections 31 & 32 and Part 7 and Section 93 of the Water Services Act, 2007, as amended)

The Planning and Development Acts, 2000 to 2014 (and, in particular Part XIV and Sections 213 and 217 of the Planning and Development Act, 2000)

Section 184(2) of the Local Government Act, 2001,

Section 10 of the Local Government (No. 2) Act, 1960 (as substituted by Section 86 of the Housing Act, 1966 and as amended by Section 6 and the Second Schedule of the Roads Act, 1993 and by Section 222 of the Planning and Development Act, 2000)

The Housing Act, 1966 (and in particular Part V, Sections 76 and 78 and the Third Schedule)

The Lands Clauses Acts

The Acquisition of Land (Assessment of Compensation) Act, 1919

AS RESPECTS ALL OR PART OF THE LAND TO WHICH THIS COMPULSORY PURCHASE ORDER RELATES

COMPULSORY ACQUISITION OF LAND

UISCE ÉIREANN COMPULSORY PURCHASE (KILKEE WASTEWATER TREATMENT PLANT) ORDER, 2025

WHEREAS **ÉIREANN** (hereinafter referred to as "the Company") a Water Services Authority for the purposes of the Water Services Act, 2007, proposes for the purposes of the Water Services Acts, 2007 to 2013 and in exercise of its powers under Sections 32 and 93 of the Water Services Act, 2007 to acquire compulsorily the lands and rights over land hereinafter described.

AND WHEREAS the Company has taken full account of the aspects of public policy specified in Section 31 of the Water Services Act, 2007 and the provision of the said water services comprised in the **Kilkee Wastewater Treatment Plant** is not inconsistent with any of the public policy issues so specified.

AND WHEREAS the Company considers, within the meaning of Section 10 of the Local Government (No. 2) Act, 1960 as substituted by Section 86 of the Housing Act, 1966 and as amended, that it would be convenient to effect the acquisition under the Housing Act, 1966 and has decided so to effect the acquisition.

NOW THEREFORE it is hereby ordered that-

1. Subject to the provisions of this Order, the Company is hereby authorised to compulsorily acquire, for the purposes of the Water Services Acts, 2007 to 2013 and of the **Kilkee Wastewater Treatment Plant** -

- (a) **Permanently, the lands** described in Part 1 of the Schedule hereto - which lands are shown **shaded grey** on the drawings marked "UISCE ÉIREANN COMPULSORY PURCHASE (KILKEE WASTEWATER TREATMENT PLANT) ORDER, 2025" and numbered UE/10015237/CPO/0001 and UE/10015237/CPO/0002
- (b) **Permanently, the wayleaves** described in Sub-Part A of Part 2 of the Schedule hereto, over the lands described in Sub-Part B, of Part 2 of the Schedule hereto - which wayleaves are shown coloured **yellow and hatched in red on yellow** on the drawings marked "UISCE ÉIREANN COMPULSORY PURCHASE (KILKEE WASTEWATER TREATMENT PLANT) ORDER, 2025 and numbered UE/10015237/CPO/0001 and UE/10015237/CPO/0002.
- (c) **Permanently, the rights of way** described in Sub-Part A of Part 3 of the Schedule hereto, over the lands described in Sub-Part B, of Part 3 of the Schedule hereto to pass and re-pass over the said ways for the purposes of ingress and egress to and from the public road at all times and for all purposes of and by all means in connection with the use and occupation by the Company, its successors in title, assigns, tenants, licenses, servants or agents, contractors and workmen in common with all others who have the like right of the lands and rights over land acquired by it in connection with the **Kilkee Wastewater Treatment Plant** - which lands are shown **hatched in red on white, hatched in red on yellow and hatched in red on green** on the drawing marked "UISCE ÉIREANN COMPULSORY PURCHASE (KILKEE WASTEWATER TREATMENT PLANT) ORDER, 2025" and numbered UE/10015237/CPO/0001.

- (d) **Temporarily, the rights** described in Sub-Part A of Part 4 of the Schedule hereto, over the lands described in Sub-Part B, of Part 4 of the Schedule hereto - which said lands are shown coloured **green and hatched in red on green** on the drawings marked "UISCE ÉIREANN COMPULSORY PURCHASE (KILKEE WASTEWATER TREATMENT PLANT) ORDER, 2025" and numbered UE/10015237/CPO/0001 and UE/10015237/CPO/0002.

All of the said lands described in the Schedule hereto are situated in the County of Clare.

All of which drawings are sealed with the seal of the Company and deposited at:

- (i) **Uisce Éireann**, Colvill House, 24-26 Talbot Street, Dublin 1 and

(ii) Sweeney Memorial Public Library, Cultúrhlann Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960

2. The lands described in the Schedule hereto are lands other than land consisting of a house or houses unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expenses.
3. Subject to any necessary adaptations, the provisions of -
 - (a) the Lands Clauses Acts (except Sections 127 to 132 of the Lands Clauses Consolidation Act, 1845 and Article 20 of the Second Schedule to the Housing of the Working Classes Act, 1890), and
 - (b) the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended by the Acquisition of Land (Reference Committee) Act, 1925, the Property Values (Arbitrations and Appeals) Act, 1960 and the Local Government (Planning and Development) Act, 1963 (as applied by Section 265(3) of the Planning and Development Act, 2000, as amended),as modified by the Third Schedule to the Housing Act, 1966 are hereby incorporated in this order and the provisions of those Acts shall apply accordingly.
4. This order may be cited as the USCE ÉIREANN COMPULSORY PURCHASE (KILKEE WASTEWATER TREATMENT PLANT) ORDER, 2025

SCHEDULE
PART 1 – LAND ACQUISITION

**Land other than land consisting of a house or houses unfit for human habitation
and not capable of being rendered fit for human habitation at reasonable expense**

Plot Number shaded grey on the drawings deposited at	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
Ulisce Éireann Colvill House 24-26 Talbot Street Dublin 1 And Sweeney Memorial Public Library, Culturlann Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960							
001	UE/10015237/CPO/0001	0.2198	Kilkee Lower, Moyarta, Kilkee	Open Space	MARK HAUGH of Carnacalla North, Kilrush, County Clare	N/A	N/A

Plot Number shaded grey on the drawings deposited at	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
Usce Eireann Colvill House 24-26 Talbot Street Dublin 1 And Sweeney Memorial Public Library, Cultuiriann Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960							
004	UE/10015237/CPO/0001	0.0048	Kilkee Lower, Moyarta, Kilkee	Grass Verge	BRIDEFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A
024	UE/10015237/CPO/0002	1.4610	FOOHAGH, Moyarta, Kilkee	Agricultural Land and Laneway	Sean Haugh Breafe South, Spanish Point Co. Clare	N/A	N/A

Plot Number shaded grey on the drawings deposited at	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
Uisce Éireann Colwill House 24-26 Talbot Street Dublin 1 And Sweeney Memorial Public Library, Cultúríann Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960							
034	UE/10015237/CPO/0002	0.0179	FOOHAGH, Moyarta, Kilkee	Agricultural Land	EUGENE HENNESSY of 61-23 81 Street, Middle Village, New York, NY 11379 C/O MICHAEL F. NOLAN, SOLICITOR, KILRUSH, COUNTY CLARE	N/A	N/A

Plot Number shaded grey on the drawings deposited at	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
Uisce Éireann Colvill House 24-26 Talbot Street Dublin 1 And Sweeney Memorial Public Library, Cultúrann Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960							
036	UE/10015237/CPO/0002	0.0062	FOOHAGH, Moyarta, Kilkee	Agricultural Land	EUGENE HENNESSY of 61-23 81 Street, Middle Village, New York, NY 11379 C/O MICHAEL F. NOLAN, SOLICITOR, KILRUSH, COUNTY CLARE	N/A	N/A

Plot Number shaded grey on the drawings deposited at	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
Uisce Éireann Colwill House 24-26 Talbot Street Dublin 1 And Sweeney Memorial Public Library, Cultúríann Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960							
038	UE/10015237/CPO/0002	0.0070	FOOHAGH, Moyarta, Kilkee	Agricultural Land	JOSEPH HENNESSY of 537 Orangeburg Road, Pearl River, New York, NY 10965 C/O MICHAEL F. NOLAN, SOLICITOR, KILRUSH, COUNTY CLARE	N/A	N/A

PART 2 – PERMANENT WAYLEAVE

Sub-Part A – Description of Wayleave

The right for the Company, its successors in title, assigns, tenants, servants or agents, contractors or other licensees:

- (i) to construct, lay, keep, operate, maintain, renew, repair and inspect waste water works as defined in the Water Services Act, 2007 and all associated pipelines and all other associated physical elements used for collection, storage or treatment of waste water and such other works, services, facilities and other things as are necessary or expedient in relation thereto or are ancillary thereto or form part of such waste water works, in, on or under the land specified in Sub-Part B below, together with the right,
- (ii) to enter with all necessary vehicles, plant and machinery upon the said land at all times for any of the said purposes.

Sub-Part B – Description of Land

Plot Number coloured yellow and hatched in red on yellow on the drawings deposited	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees Reputed Lessees	or Occupiers
		Area in Hectares	Location	Description of Property			
Uisce Éireann Colvill House 24-26 Talbot Street Dublin 1 And Sweeney Memorial Public Library, Culturlann Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960							
002	UE/10015237/CPO/0001	0.0105	Kilkee Lower, Moyarta, Kilkee	Open Space	MARK HAUGH of Carnacalla North, Kilrush, County Clare	N/A	N/A

Plot Number coloured yellow and hatched in red on yellow on the drawings deposited	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
Uisce Éireann Colwill House 24-26 Talbot Street Dublin 1 And Sweeney Memorial Public Library, Cultúríann Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960							
006	UE/10015237/CPO/0001	0.0069	Kilkee Lower, Moyarta, Kilkee	Roadway Footpath and Grass verge	BRIDFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A

Plot Number coloured yellow and hatched in red on yellow on the drawings deposited	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
Uisce Éireann Colvill House 24-26 Talbot Street Dublin 1 And Sweeney Memorial Public Library, Cultúríann Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960							
007	UE/10015237/CPQ/0001	0.0141	Kilkee Lower, Moyarta, Kilkee	Roadway	BRIDEFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A

Plot Number coloured yellow and hatched in red on yellow on the drawings deposited	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
Uisce Éireann Colvill House 24-26 Talbot Street Dublin 1 And Sweeney Memorial Public Library, Cultúríann Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960							
008	UE/10015237/CPQ/0001	0.0051	Kilkee Lower, Moyarta, Kilkee	Footpath	BRIDEFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A

Plot Number coloured yellow and hatched in red on yellow on the drawings deposited	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
Uisce Éireann Colwill House 24-26 Talbot Street Dublin 1 And Sweeney Memorial Public Library, Cultúrlann Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960							
013	UE/10015237/CPO/0001	0.0202	Kilkee Lower, Moyarta, Kilkee	Grass Verge	BRIDFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A

Plot Number coloured yellow and hatched in red on yellow on the drawings deposited	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
Uisce Éireann Colvill House 24-26 Talbot Street Dublin 1 And Sweeney Memorial Public Library, Cultúríarn Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960							
014	UE/10015237/CPO/0001	0.0550	Kilkee Lower, Moyarta, Kilkee	Roadway	BRIDEFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A

Plot Number coloured yellow and hatched in red on yellow on the drawings deposited	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
025	UE/10015237/CPO/0002	0.1905	FOOHAGH, Moyarta, Kilkee	Agricultural Land	Sean Haugh Breaffie South, Spanish Point Co. Clare Clare	N/A	N/A
031	UE/10015237/CPO/0002	0.0387	FOOHAGH, Moyarta, Kilkee	Agricultural Land, Open Space, Roadway	JOHN KEANE Foohagh, Kilkee, County Clare	N/A	N/A
And Sweeney Memorial Public Library, Culturlann Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960							
Uisce Éireann Colvill House 24-26 Talbot Street Dublin 1							

041	UE/10015237/CPO/0001	0.1048	Kilkee Lower, Moyarta, Kilkee	Utilities PS Site	Unknown	N/A	BRIDFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK UISCE ÉIREANN CLARE CO.CO. - Chief Executive, Clare County Council, New Road, Ennis, Co. Clare.
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PART 3 – PERMANENT RIGHT OF WAY

Sub-Part A – Description of Rights

The right for the Company, its successors in title, assigns, tenants, licensees, servants or agents, contractors and workmen, to enter upon and to pass and re-pass over the lands specified in Sub-Part B below with or without all and any vehicles, plant and machinery necessary or desirable for the purpose, for the purpose of ingress and egress to and from the public road at all times, for all purposes of and by all means in connection with the use and occupation by the Company, its successors in title, assigns, tenants, licensees, servants or agents, contractors and workmen, of any lands (including rights over land and the wayleaves described in Part 2 of this Schedule).

Such right shall include

- the right to lay and maintain a suitable roadway and works ancillary thereto over the lands specified in Sub-Part B below
- the right to do in, on, under or over the lands specified in Sub-Part B below anything reasonably necessary for or ancillary or incidental to the construction, repair, maintenance and alteration of the Scheme on any land (including rights over land and the wayleaves described in Part 2 of this Schedule).

Sub-Part B – Description of Lands

Plot Number hatched in red on white, hatched in red on yellow and hatched in red on green on the drawings deposited at	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
Uisce Éireann Colvill House 24-26 Talbot Street Dublin 1 And Sweeney Memorial Public Library, Cultúríann Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960							

005	UE/10015237/CPO/0001	0.0108	Kilkee Lower, Moyarta, Kilkee	Roadway	BRIDFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A
007	UE/10015237/CPO/0001	0.0141	Kilkee Lower, Moyarta, Kilkee	Roadway	BRIDFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A
010	UE/10015237/CPO/0001	0.0074	Kilkee Lower, Moyarta, Kilkee	Roadway	BRIDFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A
012	UE/10015237/CPO/0001	0.0467	Kilkee Lower, Moyarta, Kilkee	Roadway	BRIDFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A
014	UE/10015237/CPO/0001	0.0550	Kilkee Lower, Moyarta, Kilkee	Roadway	BRIDFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A

Plot Number hatched in red on white, hatched in red on yellow and hatched in red on green on the drawings deposited at	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
Uisce Éireann Colwill House 24-26 Talbot Street Dublin 1 And Sweeney Memorial Public Library, Cultúríann Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960							
					FORTFIELD, RAHEEN, CO LIMERICK		

041	UE/10015237/CPO/0001	0.1048	Kilkee Lower, Moyarta, Kilkee	Utilities PS Site	Unknown	N/A	BRIDFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK
							UISCE ÉIREANN CLARE CO.CO. - Chief Executive, Clare County Council, New Road, Ennis, Co. Clare.

PART 4 – TEMPORARY WORKING AREA

Sub-Part A – Description of Rights

The temporary right for the Company, assigns, tenants, licensees, servants or agents, contractors and workmen in common with all others who have the like right to use the land specified in Sub-Part B below to enter with all necessary vehicles, plant and machinery upon the said lands and to use the land to pass and re-pass over same for the purpose of ingress and egress to and from the public road at all times, for all purposes of and by all means in connection with the use and occupation by the Company its successors in title, assigns, tenants, licensees, servants or agents, contractors and workmen in common with all others who have the like right of lands and rights over land acquired by it for the purposes of the Kilkee Wastewater Treatment Plant. Such rights include the right to do anything reasonably necessary for or ancillary or incidental to the construction of the structures and the waste water works as defined in the Water Services Act, 2007 to be laid, erected, or constructed on the lands described in Part 1 of this Schedule and the wayleaves described in Part 2 of this Schedule in, on, under or over the lands specified in Sub-Part B below.

Sub-Part B – Description of Lands

Plot Number coloured green and hatched in red on the drawings deposited at	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed lessees	or Occupiers
		Area in Hectares	Location	Description of Property			
Uisce Éireann Colwill House 24-26 Talbot Street Dublin 1 And Sweeney Memorial Public Library, CultúrIann Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960							
003	UE/10015237/CPO/0001	0.5194	Kilkee Lower, Moyarta, Kilkee	Open Space	MARK HAUGH of Carnacalla North, Kilrush, County Clare	N/A	N/A

005	UE/10015237/CPO/0001	0.0108	Kilkee Lower, Moyarta, Kilkee	Roadway	BRIDFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A
009	UE/10015237/CPO/0001	0.0129	Kilkee Lower, Moyarta, Kilkee	Grass Verge	BRIDFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A
010	UE/10015237/CPO/0001	0.0074	Kilkee Lower, Moyarta, Kilkee	Roadway	BRIDFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A
011	UE/10015237/CPO/0001	0.0015	Kilkee Lower, Moyarta, Kilkee	Footpath	BRIDFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A
026	UE/10015237/CPO/0002	0.7898	FOOHAGH, Moyarta, Kilkee	Agricultural Land	Sean Haugh Breaiffe South, Spanish Point Co.Clare	N/A	N/A
027	UE/10015237/CPO/0002	0.0299	FOOHAGH, Moyarta, Kilkee	Lane Way	Sean Haugh Breaiffe South, Spanish Point Co.Clare	N/A	N/A

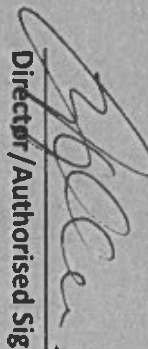
Plot Number coloured green and hatched in red on green on the drawings deposited at	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
Uisce Éireann Colvill House 24-26 Talbot Street Dublin 1 And Sweeney Memorial Public Library, CultúrIann Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960							
033	UE/10015237/CPO/0002	0.0229	FOOHAGH, Moyarta, Kilkee	Agricultural Land, Open Space, Roadway	JOHN KEANE Fohagh, Kilkee, County Clare	N/A	N/A

Plot Number coloured green and hatched in red on the drawings deposited at	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
Uisce fireann Colvill House 24-26 Talbot Street Dublin 1 And Sweeney Memorial Public Library, Culturlann Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960							
035	UE/10015237/CPO/0002	0.1163	FOOHAGH, Moyarta, Kilkee	Agricultural Land	EUGENE HENNESSY of 61-23 81 Street, Middle Village, New York, NY 11379 C/O MICHAEL F. NOLAN, SOLICITOR, KILRUSH, COUNTY CLARE	N/A	N/A

Plot Number coloured green and hatched in red on the drawings deposited at	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
And Sweeney Memorial Public Library, Cultúrann Sweeney, O'Connell Street, Kilkee, Co. Clare V15 P960							
24-26 Talbot Street Dublin 1 House Colwill Fireann Uisce							
037	UE/10015237/CPO/0002	0.0314	FOOHAGH, Moyarta, Kilkee	Agricultural Land	EUGENE HENNESSY of 61-23 81 Street, Middle Village, New York, NY 11379 C/O MICHAEL F. NOLAN, SOLICITOR, KILRUSH, COUNTY CLARE	N/A	N/A

039	UE/10015237/CPO/0002	0.0346	FOOHAGH, Moyarta, Kilkee	Agricultural land	JOSEPH HENNESSY of 537 Orangeburg Road, Pearl River, New York, NY 10965 C/O MICHAEL F. NOLAN, SOLICITOR, KILRUSH, COUNTY CLARE	N/A	N/A
042	UE/10015237/CPO/0001	0.1194	Kilkee Lower, Moyarta, Kilkee	Utilities PS Site	UNREGISTERED	N/A	BRIDFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK UISCE ÉIREANN CLARE CO. CO. - Chief Executive, Clare County Council, New Road, Ennis, Co. Clare.

PRESENT when the SEAL of
UISCE ÉIREANN was affixed hereto:-



Director/Authorised Signatory

Dated this 29 day of MAY 2025

Director/Secretary/Authorised Signatory



Uisce Éireann COMPULSORY PURCHASE
KILKEE Waste Water Treatment Plant ORDER, 2025

On 1st January 2014 all functions conferred on water services authorities by the Water Services Act 2007 (other than excluded provision and section 22) were transferred to Uisce Éireann by section 7(1) of the Water Services (No 2) Act 2013. Consequently, Uisce Éireann has powers, duties and functions vested in it by the Water Services Act, 2007 to make proper provision for water services as defined in the Water Services Act, 2007. In this regard, Uisce Éireann is responsible for the provision and development of water services, including the collection, treatment and discharge of urban wastewater.

Submitted:

Engineers Report dated May 2025 connected with the Kilkee WWTP PROJECT being carried out by Uisce Éireann who is carrying out the functions of a Water Services Authority for the purposes of the Water Services Act, 2007.

The Existing Situation & the Need for the Scheme

Kilkee has been identified as an untreated coastal agglomeration and is not currently served by a wastewater treatment plant (WWTP). Untreated wastewater is being discharged to coastal waters at present.

Kilkee is currently served by a combined sewer network conveying flows to Victoria Pumping Station (PS), which pumps all flows to an outfall located approximately 1.7km to the west of its location. Victoria PS is currently served by 2No. rising mains which discharge into a common header manhole located approximately 300m from the final outfall location at Intrinsic Bay. The flows are conveyed by a single gravity sewer from the header manhole to the discharge point. The outfall discharges through the cliff face above high tide level.

The main objectives of the project are as follows:

- The provision of appropriate treatment to eliminate the current discharge of untreated wastewater from the Kilkee Agglomeration
- To comply with the standards required by the Urban Wastewater Treatment Directive (UWWTD).
- To provide adequate capacity to facilitate the planned development and forecasted growth of the Kilkee agglomeration.

Confirmation:

Having considered the said report, I am satisfied that the lands, permanent wayleaves, rights of way, temporary construction rights and temporary working areas detailed in the Schedule attached to the said report are necessary for the Kilkee Wastewater Treatment Plant Project.

In addition, the project has been included in Uisce Éireann's Untreated Agglomeration Scheme (UTAS) and sufficient resources are available to finance the proposed acquisition of these lands, permanent wayleaves, rights of way, temporary construction rights and temporary working areas and the implementation of the Kilkee Wastewater Treatment Plant Project.

I am satisfied that all reasonable alternatives have been fully considered and that these lands, permanent wayleaves, rights of way, temporary construction rights and temporary working areas are necessary for the Kilkee Wastewater Treatment Plant Project and suitable for the purpose for which they are required. I am also satisfied that Uisce Éireann needs to invoke the Compulsory Purchase Order Procedure to acquire the lands, permanent wayleaves, rights of way, temporary construction rights and temporary working areas required as it is unlikely that all of same can be acquired by agreement with the relevant Landowners with full title or otherwise in a timely fashion and that adequate financial provision has been made by Uisce Éireann to finance the proposed acquisition of these lands, permanent wayleaves, rights of way, temporary construction rights and temporary working areas and for the implementation of the Kilkee Waste Water Treatment Plant Project

Having considered the said report, **I HEREBY CONFIRM** that the lands, permanent wayleaves, rights of way, temporary working areas and temporary construction rights as referred to above and detailed in the Schedule attached to the report and accompanying maps:

- (a) be acquired compulsorily by Uisce Éireann;
- (b) for the purposes of carrying out the Kilkee Wastewater Treatment Plant Project
- (c) for the purposes of performing its functions under the Water Services Act, 2007; and
- (d) in the interests of the community and for the other reasons outlined more fully in the report.

Having reviewed the Engineers Report, I am satisfied that the proposed Compulsory Purchase Order is in order from a sustainable development perspective and is in the community interest and is required to assist Uisce Éireann in fulfilling its duties and functions under the Water Services Act, 2007. I am satisfied that the proposal is compliant with:

- Clare County Development Plan 2023-2029;
- Southern Regional Assembly: Regional, Spatial and Economic Strategy (RSES);

I am of the opinion that it would be appropriate to effect the acquisition under Section 76 and the Third Schedule of the Housing Act, 1966 as extended by Section 10 of the Local Government (2) Act, 1960 (as substituted by Section 86 of the Housing Act, 1966 and as amended by Section 6 and the Second Schedule of the Roads Act, 1993) and the Planning and Development Acts, 2000 – 2015 and as applied to Uisce Éireann by Section 93 of the Water Services Act, 2007, as amended.

I FURTHER CONFIRM that a Compulsory Purchase Order as aforesaid be prepared in the prescribed form and once prepared, I confirm that the seal of Uisce Éireann may be affixed to the said Order and maps referred to therein and be signed by

me and countersigned by the Company Secretary of Uisce Éireann, that the necessary notices be served on the owners, reputed owners and occupiers and where necessary posted on the lands, that notice of the making of the Order be published as prescribed in the Clare Champion newspaper and that the Order and said maps are to be deposited for inspection in the prescribed manner at the following locations:

(i) Uisce Éireann, Colvill House, 24-26, Talbot Street, Dublin 1

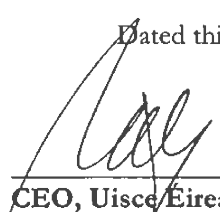
and

(ii) Sweeney Memorial Public Library, Cultúrlann Sweeney, O'Connell Street, Kilkee, Co. Clare, V15 P960.

and that the Company Secretary is hereby assigned the duties of signing all notices connected with the said Compulsory Purchase Order on behalf of Uisce Éireann and that the Order be submitted to An Bord Pleanála for confirmation,

Dated this 27 day of May 2025

SIGNED:



CEO, Uisce Éireann

Being the person duly authorised by the Board of Directors
of Uisce Éireann to give this confirmation

NOTICE OF A COMPULSORY PURCHASE ORDER UNDER

The Water Services Acts, 2007 to 2013 (and, in particular, Section 7 of the Water Services (No. 2) Act, 2013 and Parts 2 and Sections 31 & 32 and Part 7 and Section 93 of the Water Services Act, 2007, as amended). The Planning and Development Acts, 2000 to 2014 (and, in particular Part XIV and Sections 213 and 217 of the Planning and Development Act, 2000) Section 184(2) of the Local Government Act, 2001, Section 10 of the Local Government (No. 2) Act, 1960 (as substituted by Section 86 of the Housing Act, 1966 and as amended by Section 6 and the Second Schedule of the Roads Act, 1993 and by Section 222 of the Planning and Development Act, 2000). The Housing Act, 1966 (and in particular Part V, Sections 76 and 78 and the Third Schedule). The Lands Clauses Acts. The Acquisition of Land (Assessment of Compensation) Act, 1919

AS RESPECTS ALL OR PART OF THE LAND TO WHICH THIS COMPULSORY PURCHASE ORDER RELATES

TO BE PUBLISHED IN ACCORDANCE WITH ARTICLE 4(a) OF THE THIRD SCHEDULE TO THE HOUSING ACT, 1966, AS AMENDED BY THE PLANNING AND DEVELOPMENT ACTS, 2000 – 2014.



COMPULSORY ACQUISITION OF LAND

UISCE ÉIREANN COMPULSORY PURCHASE (KILKEE WASTEWATER TREATMENT PLANT) ORDER, 2025

1. **WHEREAS UISCE ÉIREANN** (hereinafter referred to as “the Company”) a Water Services Authority for the purposes of the Water Services Act, 2007, proposes for the purposes of the Water Services Acts, 2007 to 2013 and in exercise of its powers under Sections 32 and 93 of the Water Services Act, 2007 to acquire compulsorily the lands and rights over land hereinafter described and has made an order entitled as above which is to be submitted to An Bord Pleanála (hereinafter referred to as “the Board”) for confirmation. If confirmed, the order will authorise the Company to acquire compulsorily:-

- Permanently, the lands** described in Part 1 of the Schedule hereto - which lands are shown **shaded grey** on the drawings marked “Uisce Éireann Compulsory Purchase (Kilkee Wastewater Treatment Plant) Order, 2025, and numbered UE/10015237/CPO/0001 and UE/10015237/CPO/0002
- Permanently, the wayleaves** described in Sub-Part A of Part 2 of the Schedule hereto, over the lands described in Sub-Part B, of Part 2 of the Schedule hereto - which wayleaves are shown coloured **yellow and hatched in red on yellow** on the drawings marked “Uisce Éireann Compulsory Purchase (Kilkee Wastewater Treatment Plant) Order, 2025, and numbered UE/10015237/CPO/0001 and UE/10015237/CPO/0002.
- Permanently, the rights** of way described in Sub-Part A of Part 3 of the Schedule hereto, over the lands described in Sub-Part B, of Part 3 of the Schedule hereto to pass and re-pass over the said ways for the purposes of ingress and egress to and from the public road at all times and for all purposes and by all means in connection with the use and occupation by the Company, its successors in title, assigns, tenants, licensees, servants or agents, contractors and workmen in common with all others who have the like right of the lands and rights over land acquired by it in connection with the Kilkee Wastewater Treatment Plant - which lands are shown **hatched in red on white, hatched in red on yellow and hatched in red on green** on the drawing marked “Uisce Éireann Compulsory Purchase (Kilkee Wastewater Treatment Plant) Order, 2025, ” and numbered UE/10015237/CPO/0001
- Temporarily, the rights** described in Sub-Part A of Part 4 of the Schedule hereto, over the lands described in Sub-Part B, of Part 4 of the Schedule hereto - which said lands are shown coloured **green and hatched in red on green** on the drawings marked “Uisce Éireann Compulsory Purchase (Kilkee Wastewater Treatment Plant) Order, 2025” and numbered UE/10015237/CPO/0001 and UE/10015237/CPO/0002

All of the said lands described in the Schedule hereto are situated in the County of Clare.

- Owners, lessees and occupiers of the lands described in the Schedule hereto will receive individual written notice.
- The Board cannot confirm a Compulsory Purchase Order in respect of the lands if an objection is made in respect of the acquisition by an owner, lessee or occupier of the lands, and not withdrawn, until it has caused to be held an Oral Hearing into the matter and until it has considered the objection and the report of the person who held the Oral Hearing. However, regard should be had to the provisions of Section 218 of the Planning and Development Act, 2000, as amended which provides that where as a result of the transfer of functions under Section 214, 215, 215A, 215B or 215C of the Planning and Development Act, 2000, as amended, the Board would otherwise be required to hold a local enquiry, public local enquiry or oral hearing, that requirement shall not apply to the Board but the Board may, at its absolute discretion, hold an Oral Hearing in relation to the matter, the subject of the function transferred.
- A copy of the Order and the deposited drawings referred to in it may be seen at the following locations:-
 - Uisce Éireann, Colvill House, 24-26, Talbot Street, Dublin 1 between:- 9:00-17:00hrs.
 - Sweeney Memorial Public Library, Cultúrlann Sweeney, O’Connell Street, Kilkee, Co. Clare V15 P960 between:-

Monday

 - 1:30pm-5:30pm and 6:00pm-8:00pm

Tuesday, Thursday and Friday

 - 10:30am-1:30pm and 2:00pm-5:30pm

Wednesday

 - 1:30pm-5:30pm and 6:00pm-8:00pm

Saturday

 - 10:30am-2:00pm

Closed on the Saturdays before bank holiday Mondays.

All of which drawings are sealed with the seal of the Company.
- A Natura Impact Statement was prepared in relation to this matter.

SCHEDULE

PART 1 – LAND ACQUISITION

Land other than land consisting of a house or houses unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense

Plot Number shaded grey on the drawings deposited at Uisce Éireann, Colvill House, 24-26 Talbot Street, Dublin 1 and Sweeney Memorial Public Library, Cultúrlann Sweeney, O’Connell Street, Kilkee, Co. Clare V15 P960	DRAWING No.	Quantity, Situation and Description of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
		Area in Hectares	Location	Description of Property			
001	UE/10015237/CPO/0001	0.2198	Kilkee Lower, Moyarta, Kilkee	Open Space	Mark Haugh of Carnacalla North, Kilrush, Co. Clare	N/A	N/A
004	UE/10015237/CPO/0001	0.0048	Kilkee Lower, Moyarta, Kilkee	Grass Verges	BRIDEFORD PROPERTIES LIMITED of BEECHMOUNT HOUSE, RATHKEALE, County Limerick C/O BILLY PURCELL 27 FORTFIELD, RAHEEN, CO LIMERICK	N/A	N/A
024	UE/10015237/CPO/0002	1.461	FOOHAGH, Moyarta, Kilkee	Agricultural Land and Laneway	Sean Haugh Breaffe South, Spanish Point Co. Clare	N/A	N/A
034	UE/10015237/CPO/0002	0.0179	FOOHAGH, Moyarta, Kilkee	Agricultural Land	EUGENE HENNESSY of 61-23 81 Street, Middle Village, New York, NY 11379 C/O MICHAEL F. NOLAN, SOLICITOR, KILRUSH, COUNTY CLARE	N/A	N/A
036	UE/10015237/CPO/0002	0.0062	FOOHAGH, Moyarta, Kilkee	Agricultural Land	EUGENE HENNESSY of 61-23 81 Street, Middle Village, New York, NY 11379 C/O MICHAEL F. NOLAN, SOLICITOR, KILRUSH, COUNTY CLARE	N/A	N/A
038	UE/10015237/CPO/0002	0.007	FOOHAGH, Moyarta, Kilkee	Agricultural Land	JOSEPH HENNESSY of 537 Orangeburg Road, Pearl River, New York, NY 10965 C/O MICHAEL F. NOLAN, SOLICITOR, KILRUSH, COUNTY CLARE	N/A	N/A

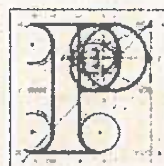
PART 2 – PERMANENT WAYLEAVE

Sub-Part A – Description of Wayleave

The right for the Company, its successors in title, assigns, tenants, servants or agents, contractors or other licensees:

- to construct, lay, keep, operate, maintain, renew, repair and inspect waste water works as defined in the Water Services Act, 2007 and all associated pipelines and all other associated physical elements used for collection, storage or treatment of waste water and such other works, services, facilities and other things as are necessary or expedient in relation thereto or are ancillary thereto or form part of such waste water works, in, on or under the land specified in Sub-Part B below, together with the right,
- to enter with all necessary vehicles, plant and machinery upon the said land at all times for any of the said purposes.

Our Case Number: ACP-322828-25



**An
Coimisiún
Pleanála**

Antoinette Coffey
c/o Brideford Properties Ltd
3 Victoria Park
Kilkee
Co. Clare
V15 KD77

Date: 15 July 2025

**Re: Uisce Éireann Compulsory Purchase (Kilkee Wastewater Treatment Plant) Order 2025.
Kilkee, County Clare.**

Dear Sir / Madam,

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

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

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

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

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

Yours faithfully,

Kevin McGettigan
Executive Officer
Direct Line: 01-8737263

CH02

Toll	Tel	(01) 858 8100
Glaao Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	communications@pleanala.ie

64 Sráid Maolbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

An Bord Pleanála
64 Malborough Street
Dublin1

AN COIMISIÚN PLEANÁLA	
LDG-	_____
ACP-	_____
10 JUL 2025	
Fee: €	Type: _____
Time: 9.15	By: post

Re COMPULSORY ACQUISITION OF LAND : Kilkee Waste Water Plant ORDER 2023

TO WHOM IT CONCERNS

Please be advised that I Antoinette Coffey 3 Victoria park Kilkee Co. Clare V15 KD77 and 1 Coolrairie Heights Clareview, Limerick V94 W1DF wish to object to the proposed Compulsory Acquisition of Land in Victoria Park Kilkee, Co. Clare

I am the owner / occupier of number 3 Victoria Park Kilkee Co. Clare and the proposed area is to the rear of my dwelling. The road and the adjoining green belt of approx. 15 feet, is directly adjoining my rear boundary walls, and is currently in the ownership of Brideford Properties Ltd (of which I am a member).

The proposal is completely unacceptable as the little mostly unused road is in a complete state of disrepair currently, before any heavy machinery start using it. It is not fit for your purpose.

The 15 ft green area is my buffer from noise / antisocial activities. It offers me security also.

There has been no reference made re potential reverberation damage to my boundary walls / hard landscaped garden (recently completed at the cost of 10K €) and my timber framed house.

There has been no reference made to the noise disturbance to me, which, will disturb my peaceful holiday residence.

There is no reference made regarding the Health and Safety Aspect of our Estate in any future plans for its use.

Please note my OBJECTION to the proposed Compulsory Acquisition of Brideford Properties Land

Antoinette Coffey

Antoinette Coffey
a66Coffey@gmail.com

Our Case Number: ACP-322828-25



An
Coimisiún
Pleanála

Antoinette Coffey
c/o Brideford Properties Ltd
3 Victoria Park
Kilkee
Co. Clare
V15 KD77

Date: 15 July 2025

Re: Uisce Éireann Compulsory Purchase (Kilkee Wastewater Treatment Plant) Order 2025.
Kilkee, County Clare.

Dear Sir / Madam,

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

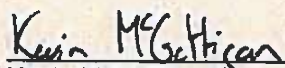
In respect of same, please note that in circumstances where:

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

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

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

Yours faithfully,



Kevin McGettigan
Executive Officer
Direct Line: 01-8737263

CH02

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Glaao Áitúll	LoCall	1800 275 175
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D01 V902

An Bord Pleanála
64 Malborough Street
Dublin1

AN COIMISIÚN PLEANÁLA	
LDG- _____	
ACP- _____	
10 JUL 2025	
Fee: € _____	Type: _____
Time: 9.15	By: post

Re COMPULSORY ACQUISITION OF LAND : Kilkee Waste Water Plant ORDER 2023

TO WHOM IT CONCERNS

Please be advised that I Antoinette Coffey 3 Victoria park Kilkee Co .clare V15 KD77 and 1 Coolrairie Heights Clareview , Limerick V94 W1DF wish to object to the proposed Compulsory Acquisition of Land in Victoria Park Kilkee, Co. Clare

I am the owner / occupier of number 3 Victoria Park Kilkee Co. Clare and the proposed area is to the rear of my dwelling. The road and the adjoining green belt of approx. 15 feet, is directly adjoining my rear boundary walls, and is currently in the ownership of Brideford Properties Ltd (of which I am a member).

The proposal is completely unacceptable as the little mostly unused road is in a complete state of disrepair currently , before any heavy machinery start using it . It is not fit for your purpose.

The 15 ft green area is my buffer from noise / antisocial activities. It offers me security also.

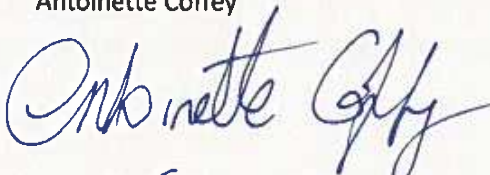
There has been no reference made re potential reverberation damage to my boundary walls / hard landscaped garden (recently completed at the cost of 10K €) and my timber framed house.

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There is no reference made regarding the Health and Safety Aspect of our Estate in any future plans for its use.

Please note my OBJECTION to the proposed Compulsory Acquisition of Brideford Properties Land

Antoinette Coffey


a66Coffey@gmail.com

Our Case Number: ACP-322828-25



An
Coimisiún
Pleanála

Uisce Éireann
c/o Áine Gilhooly
Land & Wayleaves Lead
Colvill House
24-26 Talbot Street
Dublin 1

Date: 16 July 2025

Re: Uisce Éireann Compulsory Purchase (Kilkee Wastewater Treatment Plant) Order 2025.
Kilkee, County Clare.

Dear Sir / Madam,

Enclosed for your information are two copies of two written objections received by the Commission against the above-mentioned compulsory purchase order within the prescribed period for the making of objections. Listed below:

1. Brideford Properties Ltd
2. Antoinette Coffey

If you have any queries in relation to this matter please contact the undersigned officer of the Commission at laps@pleanala.ie

Please quote the above-mentioned An Coimisiún Pleanála reference number in any correspondence or telephone contact with the Commission.

Yours faithfully,

Kevin McGettigan
Executive Officer
Direct Line: 01-8737263

CH07

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Our Case Number: ACP-322828-25



**An
Coimisiún
Pleanála**

Brideford Properties Ltd
c/o Billy Purcell
27 Fortfield
Raheen
Co. Limerick
V94EF4E

Date: 08 July 2025

Re: Uisce Éireann Compulsory Purchase (Kilkee Wastewater Treatment Plant) Order 2025.
Kilkee, County Clare.

Dear Sir / Madam,

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

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

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

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

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Yours faithfully,


Kevin McGettigan
Executive Officer
Direct Line: 01-8737263

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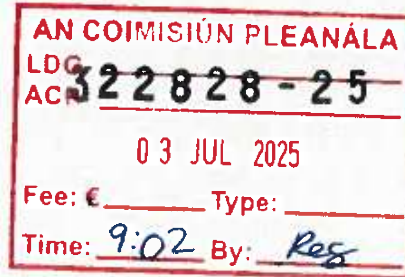
64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Billy Purcell,
Secretary Brideford Properties Ltd,
27 Fortfield,
Raheen,
Limerick. V94EF4E
JULY 1ST 2025.

REGISTERED *AST*

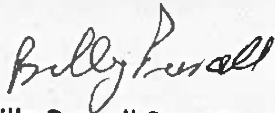
An Bord Pleanála,
64 Marlborough Street,
Dublin 1



Brideford Properties Ltd object to the Compulsory Purchase (Kilkee Wastewater Treatment Plant) order, 2025 for the following reasons.

1. The health and safety of children playing in Victoria Park is a concern if service vehicles and equipment are allowed drive through the estate. Residents have asked that service vehicles and equipment should be routed through the same way as the construction vehicles and equipment will be routed during the construction phase, via plot 14, plot 5 and plot 4 on drawing IW10015237/AQ/002 Rev 5
2. Irish water has failed to complete a successful agreement with Brideford properties for the purchase and use of lands owned by Brideford properties Ltd.
3. We have concerns that work not outlined in the plans could be done as was the case with planning application 17754 dated Oct 4th, 2017, whereby an attempt was made to knock a boundary wall at Victoria Park to facilitate an entrance to a new ESB transformer from our estate without any consultation.
4. The noise level coming from the existing pumping station are of a high decibel level and are a concern for residents particularly at nighttime. We believe this will be even worse with the construction of a second pumping station.

5. To make Victoria Park look aesthetically pleasing we want the 2.4-meter perimeter wall around the new pumping station extended to meet the existing boundary wall at house no 15 Victoria Park.
6. The road leading to the existing pumping station through which construction traffic will be routed to be resurfaced following the construction phase for the new pumping station.

A handwritten signature in cursive script, reading "Billy Purcell".

Billy Purcell Secretary/Treasurer Brideford Properties Ltd

Our Case Number: ACP-322828-25



**An
Coimisiún
Pleanála**

Brideford Properties Ltd
c/o Billy Purcell
27 Fortfield
Raheen
Co. Limerick
V94EF4E

Date: 08 July 2025

Re: Uisce Éireann Compulsory Purchase (Kilkee Wastewater Treatment Plant) Order 2025.
Kilkee, County Clare.

Dear Sir / Madam,

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

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

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

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

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

Yours faithfully,



Kevin McGettigan
Executive Officer
Direct Line: 01-8737263

CH02

Tell
Glao Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

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64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

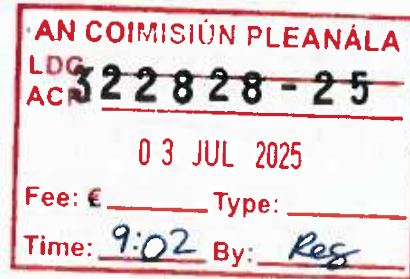
64 Marlborough Street
Dublin 1
D01 V902

Billy Purcell,
Secretary Brideford Properties Ltd,
27 Fortfield,
Raheen,
Limerick. V94EF4E

JULY 1ST 2025.

REGISTERED POST

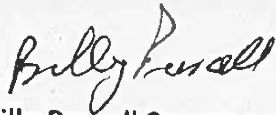
An Bord Pleanála,
64 Marlborough Street,
Dublin 1



Brideford Properties Ltd object to the Compulsory Purchase (Kilkee Wastewater Treatment Plant) order, 2025 for the following reasons.

1. The health and safety of children playing in Victoria Park is a concern if service vehicles and equipment are allowed drive through the estate. Residents have asked that service vehicles and equipment should be routed through the same way as the construction vehicles and equipment will be routed during the construction phase, via plot 14, plot 5 and plot 4 on drawing IW10015237/AQ/002 Rev 5
2. Irish water has failed to complete a successful agreement with Brideford properties for the purchase and use of lands owned by Brideford properties Ltd.
3. We have concerns that work not outlined in the plans could be done as was the case with planning application 17754 dated Oct 4th, 2017, whereby an attempt was made to knock a boundary wall at Victoria Park to facilitate an entrance to a new ESB transformer from our estate without any consultation.
4. The noise level coming from the existing pumping station are of a high decibel level and are a concern for residents particularly at nighttime. We believe this will be even worse with the construction of a second pumping station.

5. To make Victoria Park look aesthetically pleasing we want the 2.4-meter perimeter wall around the new pumping station extended to meet the existing boundary wall at house no 15 Victoria Park.
6. The road leading to the existing pumping station through which construction traffic will be routed to be resurfaced following the construction phase for the new pumping station.



Billy Purcell Secretary/Treasurer Brideford Properties Ltd

Antoinette Coffey
3 Victoria Park
Kilkee
Co Clare
V15 KD 77

1 Coolraine Heights
Clareview,
Limerick
V94 W1DF

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Re: Uisce Éireann Compulsory Purchase (Kilkee Wastewater Treatment Plant) Order ("the CPO") 2025

Dear Ms Coffey,

We refer to your letter to An Coimisiún Pleanála (hereinafter "ACP") date stamped 10th July 2025, in which you set out a number of objections to the confirmation of the CPO by the ACP.

ACP has passed on your letter to Uisce Éireann. In the interests of fairness and so that you fully understand the position of Uisce Éireann, the purpose of this letter is to set out its position in response to your objections.

It is necessary to raise a preliminary matter before dealing with the substance of your objection.

The procedure for the confirmation of the proposed compulsory acquisition of land is prescribed under Part XIV of the Planning and Development Act 2000 and the Third Schedule of the Housing Act 1966. Under the relevant statute, the right to object to the proposed compulsory acquisition is confined to those with an interest in the lands to be acquired. There is no general right of public participation in the process. We note that you do not hold any legal interest in any of the lands the subject of the CPO. The CPO does not propose to acquire any interest in any lands in your ownership. Your membership of Brideford Properties Limited does not provide you with an interest in the lands in the ownership of the company. In the circumstance, you do not have the requisite *locus standi* as 'owner' to object to the confirmation of the CPO. Uisce Éireann shall make this preliminary objection to ACP at the appropriate time.

Without prejudice to the foregoing;

Your letter raises a number of objections. The response in this letter will be supplemented by more complete evidence including, *inter alia*, witness statements and reports from Uisce Éireann's Engineers, Planning Consultants and Land Liaison Agents, which will be presented on behalf of Uisce Éireann at oral hearing in the event that the objection is not withdrawn.

1. State of Repair of the Roadway/Resurfacing:

Stiúrthóirí / Directors: Niall Gleeson (POF / CEO), Jerry Grant (Cathaoirleach / Chairperson), Gerard Britchfield, Liz Joyce, Michael Nolan, Patricia King, Eileen Maher, Cathy Mannion, Paul Reid, Michael Walsh.

Offig Chláraithe / Registered Office: Teach Colvill, 24-26 Sráid Thalbóid, Baile Átha Cliath 1, D01 NP86 / Colvill House, 24-26 Talbot Street, Dublin, Ireland D01NP86

Is cuideachta ghníomhaíochta ainmnithe atá faoi theorainn scaireanna é Uisce Éireann / Uisce Éireann is a designated activity company, limited by shares.
Cláraithe in Éirinn Uimh.: 530363 / Registered in Ireland No.: 530363.

The proposed route is suitable for access to the site of the proposed pumping station during the construction stage. Uisce Éireann and its contractors are aware of the condition of the proposed route. It is a condition of the construction contract that the contractor would undertake a condition survey before the commencement of construction and reinstate any existing infrastructure disturbed or affected by the Work to a condition that is equal to or superior to its pre-existing condition. Such reinstatement shall be carried out to the satisfaction of Uisce Éireann and in accordance with all applicable statutory requirements, industry standards, and best practices.

2. Health & Safety/ Reverberation:

The Board Order (ABP-321258-24, dated 11 June 2025, as amended), in granting planning permission for the development, includes two conditions confirming that health and safety impacts during construction can be managed through further details provided to Clare County Council as part of the condition compliance process. These conditions are cited as follows:

"Condition 4: Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays, inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: in order to safeguard the amenities of property in the vicinity....

Condition 5: The construction of the proposed development shall be managed in accordance with a finalised Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including noise management measures and off-site disposal of construction waste.

Reason: in the interest of public safety."

The proposed vehicle access route for the construction phase is *via* the existing Victoria Pumping Station. The construction vehicle route was developed in consultation with Brideford Properties Ltd and forms part of the planning application that was approved by ACP. During this phase, access through three separate gates will necessitate the full-time presence of gatemen and banksmen to ensure the safe and coordinated movement of construction vehicles. However, it is important to note that this arrangement was not considered viable as a permanent access solution for the Proposed Pumping Station. Requiring a single Uisce Éireann operative to navigate three boundary gates to reach the site introduces unnecessary complexity and elevates operational risk, particularly taking account of the low level of traffic associated with the operational phase, described in more detail below.

It is noted that mess facilities for Uisce Éireann operational staff are currently located at the existing Victoria Pumping Station site. Upon commencement of operations at the Proposed Wastewater Treatment Plant and the Proposed Pumping Station Site, these facilities will be transitioned to the Proposed Wastewater Treatment Plant Site. This relocation is expected to significantly reduce the frequency of service vehicle movements to the existing Victoria Pumping Station site, which presently occurs daily.

The Proposed Foul Pumping Station has been purposefully designed to operate with minimal on-site personnel presence. As such, site access will be limited to routine maintenance checks, which would typically occur two to three times per week. This limited-access schedule reflects the station's modern, low-intervention design and is expected to significantly reduce disruption to the surrounding area.

Uisce Éireann confirms that, prior to the commencement of construction activities, a comprehensive condition survey shall be undertaken in respect of the boundary walls, hard landscaped garden, and

timber-framed dwelling located on the subject property. The condition of these elements shall be monitored and managed throughout the duration of the works, in accordance with applicable industry standards and best practice guidelines. All construction-related vibration levels shall be continuously monitored and controlled to ensure compliance with established thresholds, and site operations likely to generate elevated levels of noise or vibration shall be restricted to designated working hours. It is a condition of the construction contract that the appointed contractor shall be obligated to complete reinstatement of any existing infrastructure, structures, or features that are disturbed, altered, or otherwise affected by the execution of the works. Such reinstatement shall be completed to a standard that is equal to or superior to the pre-works condition, to the satisfaction of Uisce Éireann, and in full compliance with all relevant statutory obligations, regulatory requirements, and recognised industry standards.

3. Green Area

While there will not be construction of new pipelines, there is an existing sewer under the green area at the rear of House no. 3 and as part of this CPO process, Uisce Éireann is regularising the wayleave over the sewer"

4. Noise:

Advancements in pumping technology and the application of modern construction materials and techniques will ensure that the Proposed Foul Pumping Station is designed to operate at significantly reduced noise levels when compared to the existing Victoria pumping station, which was originally built in the early 1970s. Upon commencement of operations at the Proposed Foul Pumping Station, all foul network flows currently managed by the Victoria Pumping Station will be redirected and pumped via the new facility. Consequently, the foul pumps within the Victoria Pumping Station will be taken out of service. The Victoria Pumping Station may remain operational only on a seasonal basis to manage stream flows during the summer months, specifically to divert these flows away from Kilkee beach. In support of the planning submission, a Noise Impact Assessment was undertaken by AWN Consulting Limited. The findings are documented in Technical Report No. 247501.021NR01, dated 28 May 2024, and form part of the supporting documentation that may be presented to An Comisiún Pleanála.

We trust that the above response addresses your concerns. Uisce Éireann remains committed to engaging with you to seek to resolve any issues or concerns that you may have.

Kilkee has been identified as an untreated coastal agglomeration and is not currently served by a wastewater treatment plant. Untreated wastewater is being discharged to coastal waters at present. The objective of the project is to provide appropriate treatment so as to comply with the standards required by the Urban Wastewater Treatment Directive and also to provide adequate capacity to facilitate planned development and forecasted growth of the Kilkee agglomeration.

Given all of the above, and in order to prevent additional delay and further legal expenses involved with an Oral Hearing, we would request that you formally withdraw your objection to the within CPO.

Yours sincerely ,



Aine Gilhooly
Land and Wayleaves Technical Lead

**Brideford Properties Limited
C/O Billy Purcell
27 Fortfield
Raheen
Limerick
V94EF4E**

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Re: Uisce Éireann Compulsory Purchase (Kilkee Wastewater Treatment Plant) Order ("the CPO") 2025

Plot Nos: 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014

Dear Brideford Properties Limited,

We refer to your letter to An Coimisiún Pleanála (hereinafter "ACP") dated 1st July 2025, in which you set out a number of objections to the confirmation of the CPO by the ACP.

ACP has passed on your letter to Uisce Éireann. We note that ACP has fixed a date for the oral hearing into the confirmation of the CPO arising from your objections. In the interests of fairness and so that you fully understand the position of Uisce Éireann, the purpose of this letter is to set out its position in response to your objections.

The detail in this letter will be supplemented by more complete evidence including, inter alia, witness statements and reports from Uisce Éireann's Engineers, Planning Consultants and Land Liaison Agents, which will be presented on behalf of Uisce Éireann at oral hearing in the event that the objection is not withdrawn.

Your letter of objection raises 6 grounds of objections.

1. Health & Safety:

The Board Order (ABP-321258-24, dated 11 June 2025, as amended), in granting planning permission for the development, includes two conditions confirming that health and safety impacts during construction can be managed through further details provided to Clare County Council as part of the condition compliance process. These conditions are cited as follows:

"Condition 4: Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays, inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Stiúrthóirí / Directors: Niall Gleeson (POF / CEO), Jerry Grant (Cathaoirleach / Chairperson), Gerard Britchfield, Liz Joyce, Michael Nolan, Patricia King, Eileen Maher, Cathy Mannion, Paul Reid, Michael Walsh.

Offig Chláraithe / Registered Office: Teach Colvill, 24-26 Sráid Thaibóid, Baile Átha Cliath 1, D01 NP86 / Colvill House, 24-26 Talbot Street, Dublin, Ireland D01NP86

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Cláraithe in Éirinn Uimh.: 530363 / Registered in Ireland No.: 530363.

Reason: in order to safeguard the amenities of property in the vicinity.

Condition 5: The construction of the proposed development shall be managed in accordance with a finalised Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including noise management measures and off-site disposal of construction waste.

Reason: in the interest of public safety."

The proposed vehicle access route for the construction phase is *via* the existing Victoria Pumping Station. The construction vehicle route was developed in consultation with Brideford Properties Ltd and forms part of the planning application that was approved by An Coimisiún Pleanála. During this phase, access through three separate gates will necessitate the full-time presence of gatemen and banksmen to ensure the safe and coordinated movement of construction vehicles. However, it is important to note that this arrangement was not considered viable as a permanent access solution for the Proposed Pumping Station. Requiring a single Uisce Éireann operative to navigate three boundary gates to reach the site introduces unnecessary complexity and elevates operational risk, particularly taking account of the low level of traffic associated with the operational phase, described in more detail below.

It is noted that mess facilities for Uisce Éireann operational staff are currently located at the existing Victoria Pumping Station site. Upon commencement of operations at the Proposed Wastewater Treatment Plant and the Proposed Pumping Station Site, these facilities will be transitioned to the Proposed Wastewater Treatment Plant Site. This relocation is expected to significantly reduce the frequency of service vehicle movements to the existing Victoria Pumping Station site, which presently occurs daily.

The Proposed Foul Pumping Station has been purposefully designed to operate with minimal on-site personnel presence. As such, site access will be limited to routine maintenance checks, which would typically occur two to three times per week. This limited-access schedule reflects the station's modern, low-intervention design and is expected to significantly reduce disruption to the surrounding area.

2. Landowner Agreement:

Uisce Éireann and its agents, including John Daly, Landowner Liaison Partner with Avison Young and Tracy Horan, Divisional Director with Avison Young, have attended numerous meetings with representatives of Brideford Properties Limited from January 2022 to September 2025 to discuss their concerns and attempt to reach a resolution in the interest of all parties. Uisce Éireann has sought to openly address the issues raised by the objector in relation to the above CPO in advance of the scheduled Oral Hearing.

Uisce Éireann remains committed to engaging with the landowners and their advisors to seek to resolve any issues or concerns that they may have.

3. Boundary Wall:

We note that this objection raises an historic planning application issue associated with Clare County Council planning application Reg. Ref. 17 754 (applicant Irish Water). We note the concern; however, previous planning application issues do not constitute a valid objection to the CPO. Uisce Éireann will at all times act in compliance with planning permission and any other relevant consents. UE wish to reassure that all future works will strictly adhere to the approved plans.

4. Noise:

Advancements in pumping technology and the application of modern construction materials and techniques will ensure that the New Foul pumping station is designed to operate at significantly reduced noise levels when compared to the existing Victoria pumping station, which was originally built in the early 1970s. Upon commencement of operations at the New Foul pumping station, all foul network flows currently managed by the Victoria pumping station will be redirected and pumped via the new facility. Consequently, the foul pumps within the Victoria pumping station will be taken out of service. The Victoria pumping station may remain operational only on a seasonal basis to manage stream flows during the summer months, specifically to divert these flows away from Kilkee beach. In support of the planning submission, a Noise Impact Assessment was undertaken by AWN Consulting Limited. The findings are documented in Technical Report No. 247501.021NR01, dated 28 May 2024, which was submitted as part of the planning application, now granted permission by ACP. It will form part of the supporting documentation that may be presented to An Coimisiún Pleanála.

5. Perimeter Wall:

As part of the planning application submission, and following consultation with Brideford Properties Limited, the proposed development includes the construction of a 2.4-metre-high perimeter wall enclosing the New Foul Pumping Station (PS) site. With respect to the potential extension of this wall in the direction of property no. 15, it is noted that the UÉ does not hold the requisite planning permission nor legal title to the lands necessary to facilitate such an extension.

6. Resurfacing:

It is a condition of the construction contract that the contractor would undertake a condition survey before the commencement of construction and reinstate any existing infrastructure disturbed or affected by the Work to a condition that is equal to or superior to its pre-existing condition. Such reinstatement shall be carried out to the satisfaction of Uisce Éireann and in accordance with all applicable statutory requirements, industry standards, and best practices.

We trust that the above response addresses your concerns. Uisce Éireann remains committed to engaging with Brideford Properties Limited and its advisors to seek to resolve any issues or concerns that its members/shareholders may have.

Kilkee has been identified as an untreated coastal agglomeration and is not currently served by a wastewater treatment plant. Untreated wastewater is being discharged to coastal waters at present. The objective of the project is to provide appropriate treatment so as to comply with the standards required by the Urban Wastewater Treatment Directive and also to provide adequate capacity to facilitate planned development and forecasted growth of the Kilkee agglomeration.

Given all of the above, and in order to prevent additional delay and further legal expenses involved with an Oral Hearing, we would request that Brideford Properties Limited would withdraw its objection to the within CPO.

Yours faithfully,



Aine Gilhooly

Land and Wayleaves Technical Lead

**IN THE MATTER OF AN ORAL HEARING AND IN THE MATTER OF UISCE
ÉIREANNN COMPULSORY PURCHASE (KILKEE) ORDER 2025 AN COIMISIÚN**

PLEANÁLA REF ACP-322828-25

STATEMENT OF EVIDENCE OF

ESTHER WHITE

B.E., MSc., CEng M.I.E.I.

PROGRAMME MANAGER FOR UISCE ÉIREANN

INTRODUCTION

1. I, Esther White, Chartered Civil Engineer, have over 30 years post graduate experience with over 15 years' experience in the planning, design and construction of water services projects.
2. I am Uisce Éireann's Programme Manager with responsibility for the delivery of wastewater infrastructure projects provided in the Uisce Éireann Capital Investment plan. I have been responsible on behalf of Uisce Éireann for the development of the Kilkee Wastewater Treatment Plant Upgrade (the 'Project').
3. On 1st January 2014, all functions conferred on water services authorities by the Water Services Act 2007 (other than excluded provision and section 22) were transferred to Uisce Éireann by section 7(1) of the Water Services (No 2) Act 2013. Consequently, Uisce Éireann has powers, duties and functions vested in it by the Water Services Act, 2007 to make proper provision for water services as defined in the Water Services Act, 2007. In this regard, Uisce Éireann is responsible for the provision and development of water services, including the collection, treatment and discharge of urban wastewater.

THE EXISTING SITUATION

4. Kilkee has been identified as an untreated coastal agglomeration and is not currently served by a wastewater treatment plant (WWTP). Untreated wastewater is being discharged to coastal waters at present.

Kilkee is currently served by a combined sewer network conveying flows to Victoria Pumping Station (PS), which pumps all flows to an outfall located approximately 1.7km to the west of its location. Victoria PS is currently served by 2 No. rising mains which discharge into a common header manhole located approximately 300m from the final outfall location at Intrinsic Bay. The flows are conveyed by a single gravity sewer from the header manhole to the discharge point. The outfall discharges through the cliff face above high tide level.

All wastewater which currently enters the public sewer in Kilkee is discharged without treatment to Intrinsic Bay. This poses a risk to water quality and detracts from the amenity value of the adjacent coastal waters. In addition, the discharge of untreated wastewater is not in compliance with the EEU Directive (Urban Wastewater Treatment Directive [91/271/EEC] and national regulations, e.g. the Urban Wastewater Treatment Regulations SI No. 254 of 2001, concerning the collection and treatment of urban wastewater.

THE NEED FOR THE SCHEME

5. The main objectives of the project are as follows:
- The provision of appropriate treatment to eliminate the current discharge of untreated wastewater from the Kilkee Agglomeration
 - To comply with the standards required by the Urban Wastewater Treatment Directive (UWWTD)
 - To provide adequate capacity to facilitate the planned development and forecasted growth of the Kilkee agglomeration.

DESCRIPTION OF THE SCHEME

6. Generally, the scheme consists of:
- Construction of a New Terminal Foul Pumping station with Emergency Storage to convey sewage flows from the Kilkee agglomeration to the proposed WWTP via existing rising mains.
 - Construction of a new WWTP providing primary treatment and including stormwater storage, with a new final effluent outfall PS and new final effluent rising main to existing outfall
 - The Kilkee WWTP scheme is designed for a population equivalent of 7,926 PE

HISTORY OF SCHEME DEVELOPMENT AND STATUTORY PROCESSES

7. Kilkee has been identified as a coastal agglomeration in Ireland as having no treatment and is identified as an Untreated Agglomeration by the Environmental Protection Agency (EPA). Discharges from wastewater treatment plants are required to comply with the standards of treated effluent quality stated in the Urban Wastewater Treatment Directive (UWWTD). The legislative context for provision and licencing of appropriate wastewater treatment infrastructure in Ireland is governed by the Urban Wastewater Treatment Regulations(S.I. No. 254 of 2001) and the Wastewater Discharge (Authorisation) Regulations (S.I. No. 684 of 2007). All discharges from waste water collection systems and treatment plants throughout the country which serve an agglomeration of greater than 500 PE (population equivalent) are required to be issued with a Wastewater Discharge Licence from the Environmental Protection Agency (EPA) and to comply with the conditions set out in the licence.
8. Uisce Éireann is committed to providing appropriate treatment for the agglomeration under the Untreated Agglomeration Scheme (UTAS) programme of

works. In 2020, EPS and their subconsultants were appointed under the Uisce Éireann Early Contractor Involvement (ECI) Wastewater programme to develop the scheme from feasibility stage to the completion of construction.

9. Site and route selection for the proposed works, described in No. 6 above, is outlined in the Statement of Evidence of Catherine Norris and Stevie Lau and in the comprehensive Site Selection Report 2025. The site and route selection followed best practice, using Uisce Éireann's Technical Guidance Note 'IW-AD-PD-GL-008' and a five-stage process identified two preferred sites for the pumping station and the WWTP and two preferred routes from the pumping station to WWTP and WWTP to the outfall. Alternative sites and routes were fully considered and assessed against multiple criteria. The alternative sites for the WWTP were found not to be demonstrably preferable. The consideration of alternative is detailed in the Site Selection Report 2025.
10. I am satisfied that the selection process carefully considered the relevant project requirements and designations/sensitive receptors in the area to achieve a balance between sensitively protecting the natural landscape, amenity, tourism and visual qualities of the area and delivering the much needed technically viable WWTP.
11. Planning permission for the proposed works was granted by An Coimisiún Pleanála on 11th June 2025, with amendment on 22nd July 2025. Ref: ABP-321258-24. Planning policy is described in the Statement of evidence of Catherine Norris. I am satisfied that the proposed development is in accordance with the Planning Policy and Strategic Development for the area.
12. The Project is included in Uisce Éireann's Capital Investment Plan.

THE NEED FOR THESE LANDS

13. The subject lands are required to facilitate the construction of elements of the scheme, namely the new Wastewater Treatment plant, Foul pumping station, gravity sewers, and rising mains. During the design process alternative pipe routes and sites were examined with the current proposed scheme being the most feasible. It was determined that lands not in the ownership of Clare County Council/ Uisce Éireann would be required. The process of the Compulsory Purchase Order is described in the Statement of Evidence of Aine Gilhooly.
14. Attempts have been made to acquire these lands, permanent wayleaves, temporary wayleaves, temporary working areas and Rights of Ways by agreement.

These details of extensive landowner engagement are described in the Statements of Evidence of Tracy Horan and John Daly, Avison Young.

15. When it was determined that it would not be possible to acquire these lands, permanent wayleaves, temporary wayleaves, temporary working areas and Rights of Ways by agreement, it was decided to seek a Compulsory Purchase Order. The administrative process leading to the making of the CPO are set out in the Statement of Evidence of Aine Gillhooly, Land & Utilities Lead in Uisce Éireann.

OBJECTIONS

16. Two objections have been received by An Colmisiún Pleanála to the confirmation of the CPO.
17. Mr Billy Purcell, Secretary of Brideford Properties Limited set out the objection by letter dated 1st July 2025. Brideford Properties Limited is the legal title owner to Plot No. 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014. A detailed response to the objection was furnished by Uisce Éireann and is detailed in the Statement of Evidence of Catherine Norris and Stevie Lau.
18. Antoinette Coffey, by letter dated stamped the 10th July 2025 set out her objection to the CPO. It is clear from the letter that Antoinette Coffey is not an 'owner' within the meaning of the Housing Act 1966. It is expressly stated in the letter that she is making an objection to the CPO 'of Brideford Properties Lands'. In the circumstances, there is a legal issue to be considered regarding her locus standi to make the objection. Without prejudice to the foregoing, there is a significant overlap in the objection raised by Brideford Properties Limited and Antoinette Coffey.

CONCLUSION

19. The Kilkee agglomeration currently has no wastewater treatment. The proposed project will provide appropriate treatment to bring the agglomeration into compliance with the standards of treated effluent quality stated in the Urban Wastewater Treatment Directive (UWWTD).
20. The acquisition of lands, permanent wayleave and temporary working areas as sought in the CPO are necessary and are suitable to fulfil a community need; any alternative methods of meeting the community needs have been considered but are not demonstrably preferable; the works to be carried will be carried out in accordance with the grant of planning for the project.

21. Should the CPO be confirmed by An Comisiún Pleanála, Uisce Éireann will move carry out the construction works.

IN THE MATTER OF AN ORAL HEARING

AND IN THE MATTER OF

UISCE ÉIREANNN COMPULSORY PURCHASE (KILKEE) ORDER 2025

AN COIMISIÚN PLEANÁLA REF PL03.321258

STATEMENT OF EVIDENCE OF

CATHERINE NORRIS

BSOC, SCI, MPLAN, ADIP, MRTPI, CIPI

And

STEVIE LAU

BENG

SITE SELECTION

Uisce Éireann Compulsory Purchase
Kilkee Waste Water Treatment Plant Order 2025
An Coimisiún Pleanála Ref ABP-321258-24

1. Qualifications and Experience

1. This statement of evidence has been prepared jointly by Catherine Norris (Turley) and Stevie Lau (Doran Consulting). It is submitted as evidence to the Kilkee Waste Water Treatment Plant Order 2025 Compulsory Purchase Order (CPO) Oral Hearing.
2. Turley was appointed by Uisce Éireann in 2021 as Town Planners on the Kilkee Waste Water Treatment Plant (WWTP) Project. I, Catherine Norris, have 17 years of experience in town planning. My experience principally relates to town planning consultancy for a range of built environment projects. My qualifications include a Bachelor of Social Science (2005), a Master of Town Planning (2007), and a Diploma in Planning and Environmental Law (2024). I am a Chartered member of the Royal Town Planning Institute (2010) and the Irish Planning Institute (2022). My contribution to this evidence relates to town planning and related environmental assessment.
3. Doran Consulting were appointed by Uisce Éireann as the Contractor's Design Consultants on the Kilkee (WWTP) Project in 2020. I, Stephen Lau, hold a Bachelor of Engineering in Civil Engineering. I am a Senior Engineer with 25 years of post-graduate experience in the design and construction of water and wastewater infrastructure. My contribution to this evidence relates to providing engineering input with respect to the site selection report and the civil engineering elements of the preliminary designs.

2. Site Selection Report

4. The Kilkee Wastewater Treatment Plant Site Selection Report (May 2025), prepared by Turley with input from Dorans, was submitted with the Kilkee CPO application. This report updates the 2021 version to reflect changes in land conditions, infrastructure, planning policies, or applications. This includes the installation of two twin rising mains in 2022, further information on cost and operating arrangements, the planning application for the development (Clare County Council's, CCC, planning application Reg. Ref. 2460002) and subsequent appeal (An Bord Pleanála Case / An Coimisiún Pleanála, ACP, Ref. PL03.321258).

5. The methodology for the Site Selection Report was the Uisce Éireann Technical Guidance Note 'IW-AD-PD-GL-008: A Guide to Site and Route Selection'. According to this Guidance, the site selection followed the 5-stage process outlined in **Figure 1** below.



Figure 1: Stages of the Site Selection Process

Stage 1: Project Scoping

6. Kilkee is not currently served by any wastewater treatment infrastructure, resulting in untreated wastewater being discharged into coastal waters, which is unacceptable under both European and National standards¹.
7. Kilkee is currently served by a combined wastewater network shown on **Figure 1** below. This conveys untreated flows to Victoria Pumping Station. The untreated flows are then pumped to the existing outfall location at Intrinsic Bay, west of Kilkee, via two rising mains. The existing outfall discharges into the sea within the Kilkee Reefs Special Area of Conservation (SAC), a European protected site.
8. Victoria Pumping Station (PS) is on Victoria Park Road and is approximately 0.24 ha in size. It is bound by residential properties and undeveloped sites to the southeast and southwest. The site includes a pumping station, an electrical substation, a standby generator, and a welfare building. It is enclosed by a brick wall on three sides and a palisade fence on the east. Victoria PS is the physical low point of the existing infrastructure of the Kilkee catchment area. The existing Kilkee combined sewerage network is shown on **Figure 3** below.

¹ The European Water Framework Directive (2000/60/EC) and Urban Wastewater Directive (2024/3019); the Irish Urban Wastewater Treatment Regulations (2001) and the Waste Water Discharge (Authorisation) Regulations 2007



Figure 2: Existing Victoria Park Pumping Station, Existing Outfall and Existing Pipework (Figure 3.1 from Site Selection Report)

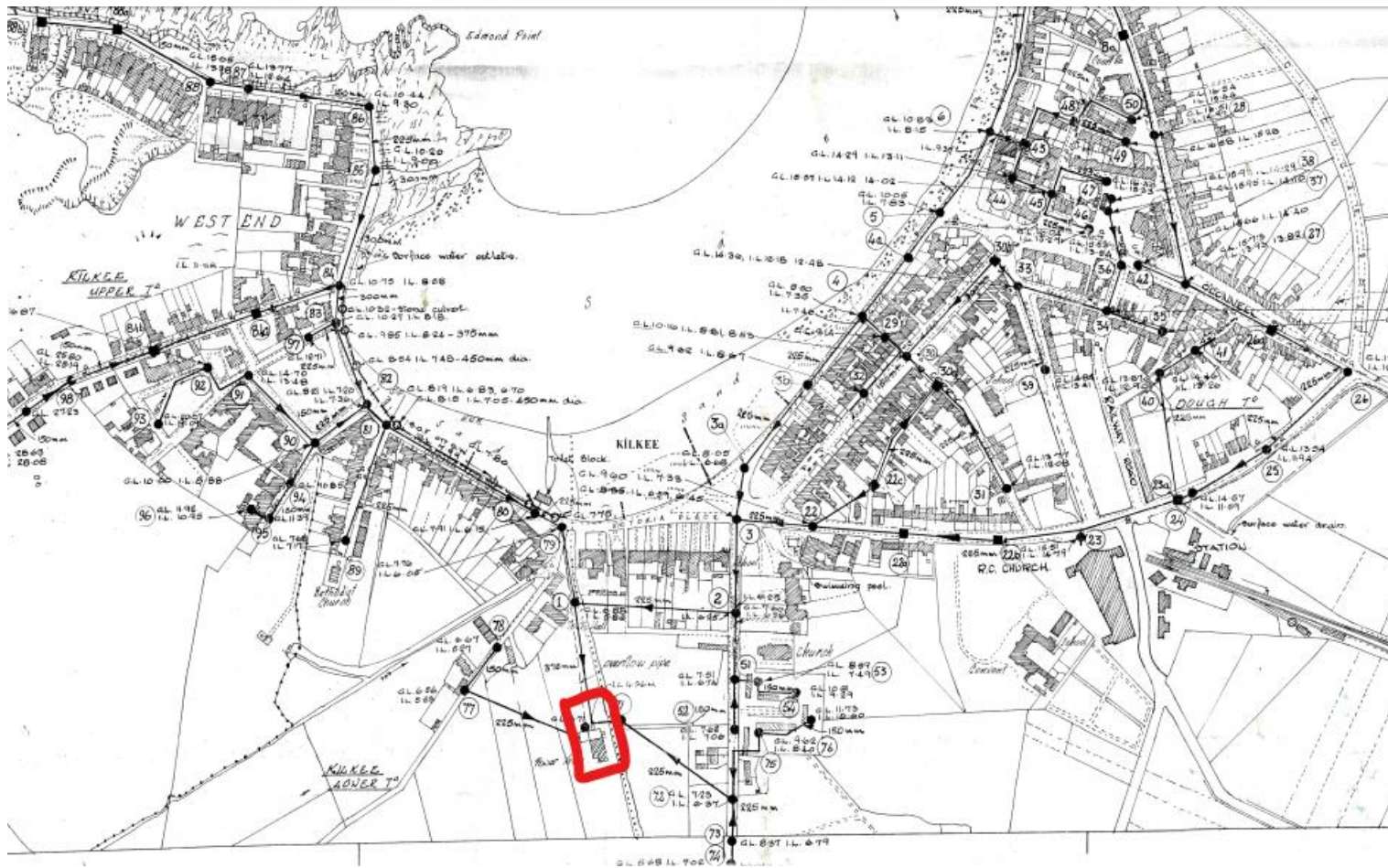


Figure 3: Existing Kilkee Infrastructure Assets

9. Uisce Éireann (UÉ) is seeking to rectify the existing problem in Kilkee by constructing a new wastewater treatment plant (WWTP) and pumping station, and undertaking associated wastewater network upgrades to provide wastewater treatment for the agglomeration to the standard required by the Urban Waste Water Treatment Directive (UWWTD).
10. The proposed project consists of three main elements, as follows:
1. A new foul Pumping Station is required to pump all combined flows currently entering Victoria Pumping Station to the proposed WWTP Site. It was determined that a land parcel measuring approximately **93 metres by 26 metres (approximately 0.1014 hectares)** is necessary to accommodate the spatial requirements of the proposed PS. This includes provision for the PS, a storage tank, and associated infrastructure essential to meet the technical specifications required to support the existing Kilkee sewerage network. The identified land parcel represents the minimum footprint required to ensure operational efficiency, compliance with engineering standards, and the long-term serviceability of the system.
 2. A new WWTP will provide primary treatment for the incoming flows from the new Foul Pumping Station located at Victoria Park. Based on the preliminary design assessment, it was determined that a land parcel measuring approximately **150 metres by 80 metres (approximately 1.2 hectares)** is necessary to accommodate the project's technical requirements of the WwTP, which included the provision for:
 - Inlet works
 - Stormwater storage and return pumping station
 - Two primary settlement tanks
 - Sludge storage
 - Return liquors pumping station and
 - Outfall pumping station
 - A control building
 - ESB building
 - Standby generator

In addition to fulfilling technical and operational requirements, the land allocation incorporates considerations for anticipated future population growth, as well as provisions for landscaping and boundary treatments.

3. Installation of infrastructure to facilitate the operation of the proposed new foul pumping station and wastewater treatment plant to enable treated flow to be delivered to the existing outfall.
11. **Stage 2: Study Area** requires the definition of the study area or the geographical catchment area within which site options are assessed. A study area of 500m from the existing fixed point infrastructure of the existing inlet (Victoria Pumping Station), outlet (Intrinsic Bay) and connecting pipe (2022 rising mains) was selected. The rationale for this study area was based on the proximity principle, which confirms that new wastewater infrastructure should be located as close as possible to the source, utilising existing infrastructure to minimise septicity², environmental emissions, and public costs.
12. **Stage 3: Initial Screening** requires the identification of those parts of the study area where there could be a significant constraint to project development and avoid these where possible or appropriate (i.e. discount / eliminate from further consideration). The methodology for the assessment comprised a review of planning policy³ and planning history⁴ in order to devise a long list of site constraints which were mapped onto the Study Area on Table 5.1 (Site Constraints) and Figure 5.3 (Aerial View Annotated by Turley to Identify Key Constraints) of the Site Selection Report. Figure 5.1 is provided in **Figure 4** below. Note: Since the time of writing, planning permission has been granted for the proposed development (ACP, Case Ref. PL03.321258).

² (i.e. the longer the sewage is within the pipeline in the absence of oxygen, the more likely there is to be anoxic breakdown leading to odour issues)

³ Clare County Development Plan (CCDP, 2023-2029)

⁴ Clare County Council and An Bord Pleanála's online planning search.

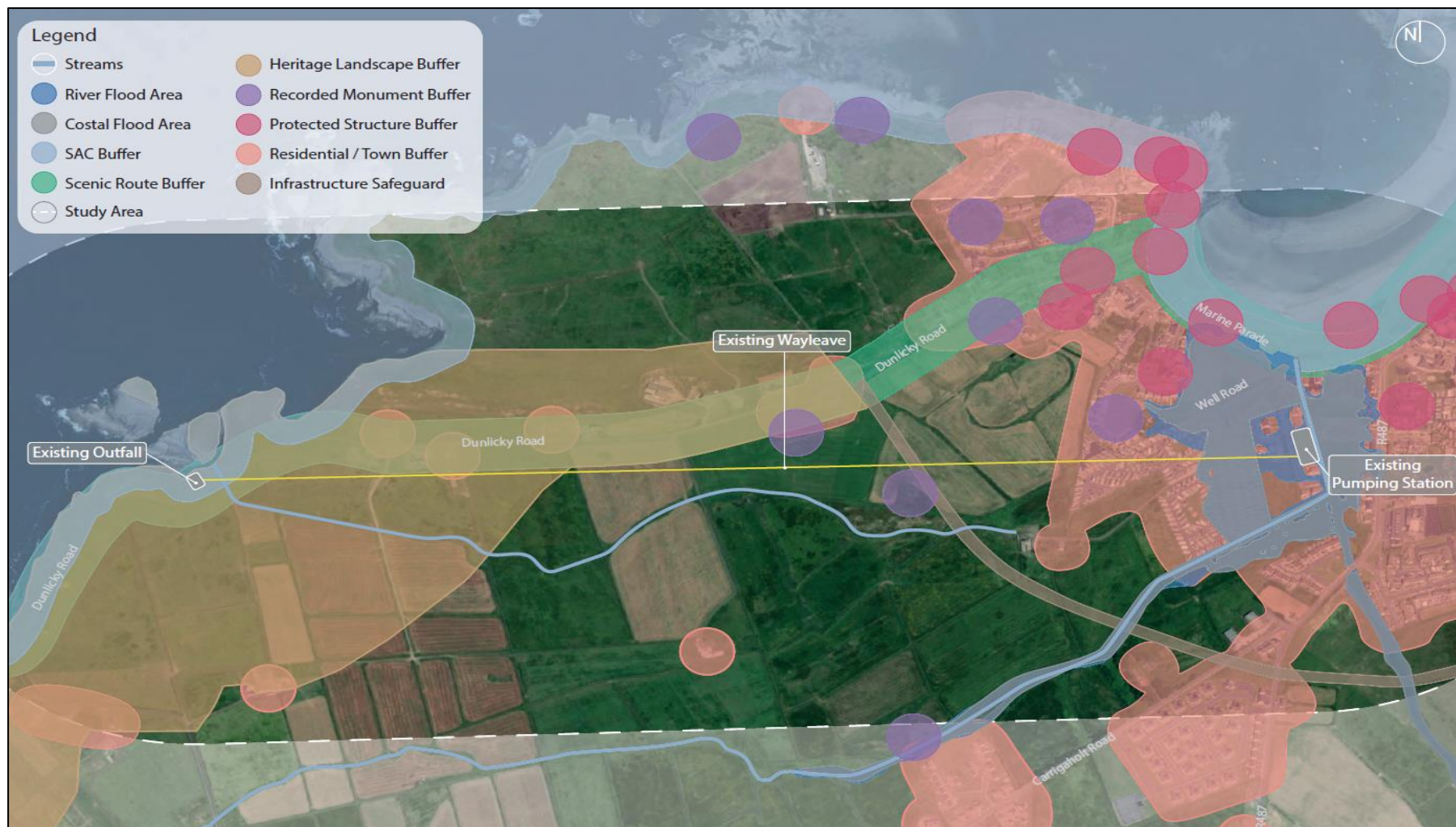


Figure 4: Aerial View Annotated by Turley to Identify Key Constraints (Site Selection Report: Figure 5.3)

13. **Stage 4: Options Shortlisting** requires the identification and qualitative assessment of land parcels and route corridors within the Study Area that are not subject to the key constraints, in order to narrow the options to be advanced for more detailed site assessment. The methodology for the assessment was to identify the most suitable site for (1) a new foul pumping station, (2) a new WWTP, and (3) connecting pipework.
14. Beyond the study area, two alternative sites, Lisdeen Recycling Centre and the former Quarry Lands, were considered during the planning application process. Both were discounted as they were too remote from the effluent source (Kilkee) and existing infrastructure, and located closer to environmentally sensitive areas⁵. Their locations are shown in **Figure 5**.
15. Within the study area, two parcels of ‘residual land’ with no mapped constraints were identified during Stage 3: Initial Screening. However, both were discounted due to engineering, environmental (landscape and visual, heritage and ecology), and planning assessments⁶. Their locations are shown in **Figure 6**.
16. The site selection process was then conducted on the following basis:
 1. **New foul pumping station:** Firstly, the existing Victoria Park foul pumping station was assessed for its potential to be replaced with the new foul pumping station, but was discounted due to space constraints. Four alternative sites nearby were considered. PS Sites 1 and 2 (east, across Victoria Stream) were discounted due to the need to cross the stream and their proximity to residential and flood zones. PS Site 3 (south) was also discounted as it is located within a flood zone. Site 4 (west) was selected for detailed assessment. The locations of the alternative sites for the foul pumping station are shown in **Figure 7**.
 2. **New WWTP:** Four potential WWTP site options were identified, all of which were located outside of the built-up area of Kilkee in proximity to existing pipework, which could accommodate the required site area and would not be subject to key environmental constraints. The locations of the WWTP sites are shown in **Figure 8**.

⁵ Including Lower River Shannon SAC, Heritage Landscape, Scenic Route and Wild Atlantic Way.

⁶ Including proximity to the Historic Landscape, Kilkee Clif Walks, Carrowmore Dunes SAC and Kilkee Reefs SAC designations together with the Scenic route buffer zone, several archaeological features, including a Ringfort, a megalithic structure, and St Senan's Well and closer to several residential receptors.

3. **Connecting pipework:** Connecting pipework is required from (a) the pumping station to the WWTP; and (b) from the WWTP to the outfall. Options for connecting pipework were considered along these routes as follows:
- a. Pumping Station to WWTP: Four routes were considered to connect PS Site 4 to the WWTP. Routes 1 and 1b were deemed viable, with Route 1b becoming feasible after the 2022 twin rising mains installation. Route 1a was discounted due to construction challenges and cost, and Route 2 was ruled out in favour of Route 1b. Routes 1 and 1b were taken forward for detailed assessment, as shown in Figure 7.
 - b. WWTP to Outfall: Since the 2021 Site Selection Report, twin rising mains were installed in 2022, and further information on costs and operating arrangements was available to inform the assessment of connecting pipework from WWTP to the outfall. Two route options—Route 3 and Route 4—were identified to connect the proposed WWTP to the outfall. Both were initially assessed as viable and taken forward for detailed assessment.

All of the routes for connecting pipework are shown on **Figure 9**.



Figure 5: Alternative sites in relation to the existing Victoria Park Pumping Station, 2022 Rising Mains and Existing Outfall – Aerial View Annotated by Turley (Site Selection Report: Figure 6.1)

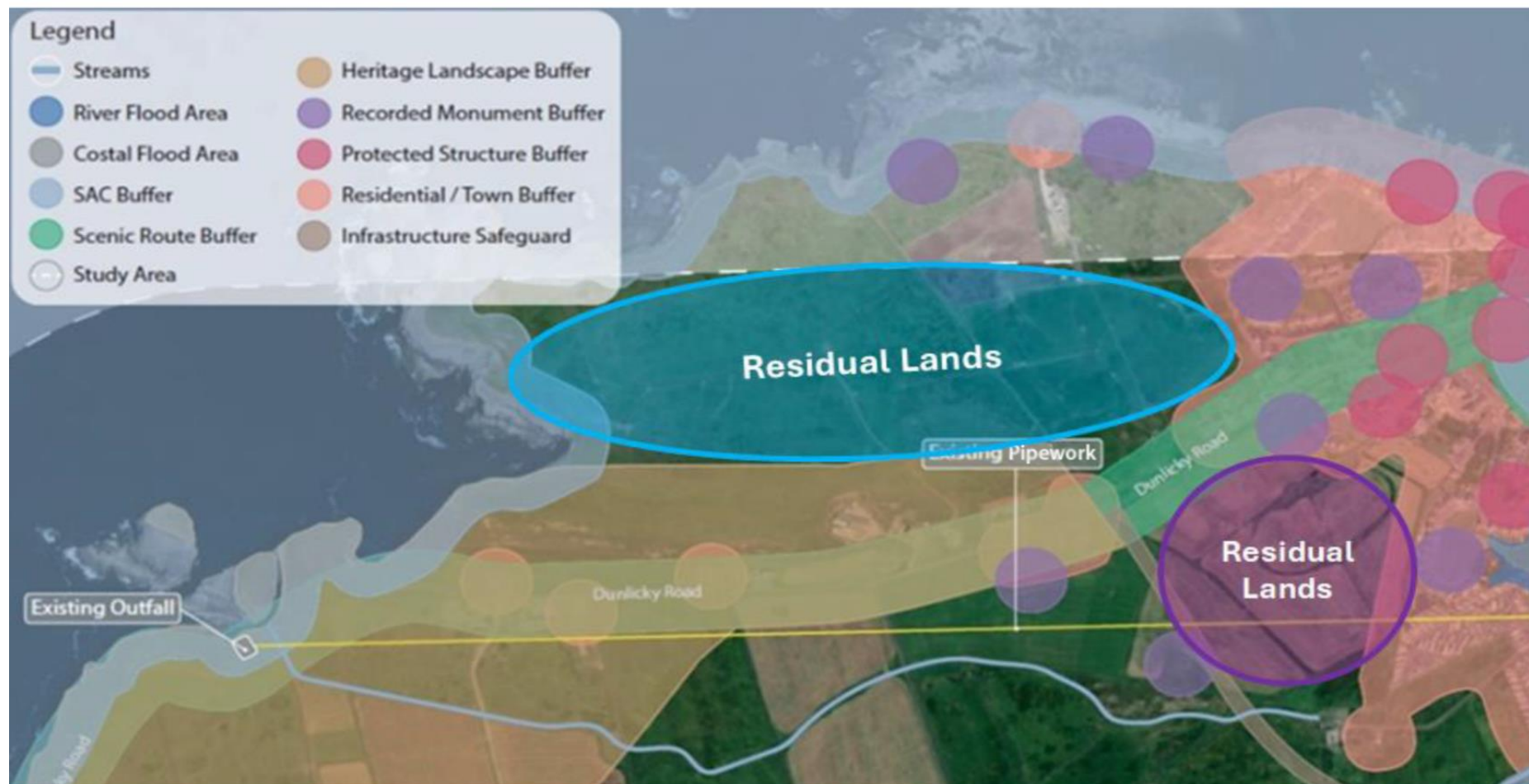


Figure 6: Aerial View Annotated by Turley Showing Discounted Residual Lands (Site Selection Report: Figure 6.2)



Figure 7: New Foul Pumping Station – Site Options (Site Selection Report: Figure 6.3)



Figure 8: New WWTP Site Options (Site Selection Report: Figure 6.4)



Figure 9: Connecting Pipework Route Alignment Options (Site Selection Report: Figure 6.5)

17. **Stage 5: Detailed Assessment** requires the evaluation and comparison of shortlisted sites, routes and associated infrastructure, taking into account a wide range of environmental planning, technical and economic criteria to identify the least constrained option (the emerging preferred option).
18. The detailed site selection process was conducted on the following basis:
 1. **New foul pumping station:** PS Site 4 was subject to a detailed assessment. This concluded that Site 4 is the preferred option for the new foul pumping station.
 2. **New WWTP:** WWTP Site Options 1 and 2 were both discounted due to the requirement to construct a new access road and because of flooding risk (Site 1) and proximity to a Recorded Monument (Option 2). Site Options 3 and 4 were considered more suitable, scoring higher in the assessment matrix and offering better access, fewer environmental constraints, and greater distance from sensitive receptors. Given their similarities, either could accommodate the WWTP, but Site Option 4 was ultimately selected based on availability and suitability.
 3. **Connecting pipework:** Connecting pipework is required from (a) the pumping station to the WWTP; and (b) from the WWTP to the outfall. Options for connecting pipework were considered along these routes as follows:
 - a. Pumping station to the WWTP: Four route options were considered to connect PS Site 4 to the proposed WWTP. Route 1 B, which utilises the twin rising mains installed in 2022, was reassessed and found to be the least intrusive, lowest-risk, and most cost-effective option. As a result, Route 1b was selected as the preferred alignment. Route 3 is the preferred route option from the pumping station to the WWTP.
 - b. WWTP to Outfall: Two route options—Route 3 and Route 4—were assessed to connect the proposed WWTP to the outfall. Both were initially viable and located away from sensitive receptors. Route 4 was previously preferred due to its geological and traffic advantages; however, updated cost and operational data showed that Route 3, which follows an existing public road, is more beneficial in terms of biodiversity, landowner impact, maintenance, and long-term costs, as existing pipes will not need to be isolated during maintenance works. Route 3 was ultimately selected as the preferred option.

19. In summary, the detailed site assessment process concluded as follows:
1. **New foul pumping station:** Site 4 is the preferred option for the new foul pumping station.
 2. **New WWTP:** Site 4 is the preferred option for the new WWTP.
 3. **Connecting pipework:** Route 3 is the preferred route option from the pumping station to the WWTP. Route 3 is the preferred route option from the WWTP to the Outfall.
20. The results of the site assessment process are identified on **Figure 10** that follows:



Figure 10: Site Selection Process – Graphic of Preferred Options (Site Selection Report, Figure 8.1)

3. Planning application site and proposal

21. The planning application site is c4.56ha, consisting of two separate parcels of land in the townlands of Kilkee Lower and Foohagh:
 1. **Proposed Pumping Station (c1.05ha):** The Pumping Station Site is bound to the north by residential dwellings at Victoria Park and Páirc na mBláth, to the east by Victoria Stream and residential dwellings at Victoria Park, to the south by agricultural land and residential dwellings at Victoria Park, and to the west by Haugh Mobile Park and residential dwellings at Páirc na mBláth. It is made up of greenfield land to the west of the existing Victoria Pumping Station, a section of Victoria Park Road and Victoria Park Pumping Station. The Pumping Station Site is depicted on **Figure 11**.
 2. **Proposed WWTP (c3.51ha):** The Waste Water Treatment Site is bound to the north by agricultural land and the Dunlicky Road beyond, to the east by an unnamed access road and agricultural land, to the south by agricultural land and a residential dwelling beyond, and to the west by agricultural land. The site is made up of greenfield agricultural land bounded by post and wire fencing, a dirt and gravel access land and a section of Dunlicky Road that is within the Foohagh Townland. The Waste Water Treatment Site is depicted on **Figure 12**.
22. The planning application development proposal consists of 3 main elements
 1. **Proposed Pumping Station:** A new foul Pumping Station is required to pump all combined flows currently entering Victoria Pumping Station to the proposed WWTP Site. It was determined that a land parcel measuring approximately 93 metres by 26 metres (circa 0.1014 hectares) is necessary to accommodate the spatial requirements of the proposed Pumping Station (PS). This includes provision for the PS, a storage tank, and associated infrastructure essential to meet the technical specifications required to support the existing Kilkee sewerage network. The identified parcel represents the minimum footprint required to ensure operational efficiency, compliance with engineering standards, and the long-term serviceability of the system. The Planning Application Layout for the new Foul Pumping Station is depicted on **Figure 13**.
 2. **Proposed WWTP:** A new WWTP will provide primary treatment for the incoming flows from the new Foul Pumping Station located at Victoria Park. As noted above, based on the preliminary design assessment, it was determined that a land parcel measuring approximately 150 metres by 80

metres (circa 1.2 hectares) is necessary to accommodate projects technical requirements of the WwTP, which included the provision for

- i. Inlet works
- ii. Stormwater storage and return pumping station
- iii. Two primary settlement tanks
- iv. Sludge storage
- v. Return liquors pumping station and
- vi. Outfall pumping station
- vii. A control building
- viii. ESB building
- ix. Standby generator

In addition to fulfilling technical and operational requirements, the land allocation incorporate considerations for anticipated future population growth, as well as provisions for landscaping and boundary treatments. The Planning Application Layout for the new WWTP is depicted on **Figure 14**.

23. Installation of infrastructure (pipework) to facilitate the operation of the proposed new foul pumping station and wastewater treatment plant to enable treated flow to be delivered to the existing outfall. The Planning Application Pipework Layout is depicted on **Figure 15 and 16**.

4. Compulsory Purchase Order

24. The land and works required by this CPO ('the CPO lands', 'the CPO works') is described as follows:
 1. **Proposed Pumping Station and Pipework:** The lands and works required for the proposed Kilkee Foul PS are contained within the Compulsory Purchase Order in **Figure 17** below
 2. **Proposed WWTP and Pipework:** The lands and works required for the proposed Kilkee WWTP are contained within the Compulsory Purchase Order in **Figure 18** below.



Figure 12: WWTP Planning Application Site Location (RFI)



5. Objections

25. We note the objection of Brideford Properties Limited, which is as follows:

1. *“The health and safety of children playing in Victoria Park is a concern if service vehicles and equipment are allowed drive through the estate. Residents have asked that service vehicles and equipment should be routed through the same way as the construction vehicles and equipment will be routed during the construction phase, via plot 14, plot Sand plot 4 on drawing IW10015237 /AQ/002 Rev 5*
2. *Irish water has failed to complete a successful agreement with Brideford properties for the purchase and use of lands owned by Brideford properties Ltd.*
3. *We have concerns that work not outlined in the plans could be done as was the case with planning application 17754 dated Oct 4th, 2017, whereby an attempt was made to knock a boundary wall at Victoria Park to facilitate an entrance to a new ESB transformer from our estate without any consultation.*
4. *The noise level coming from the existing pumping station are of a high decibel level and are a concern for residents particularly at nighttime. We believe this will be even worse with the construction of a second pumping station.*
5. *To make Victoria Park look aesthetically pleasing we want the 2.4 metre perimeter wall around the new pumping station extended to meet the existing boundary wall at house no 15 Victoria Park.*
6. *The road leading to the existing pumping station through which construction traffic will be routed to be resurfaced following the construction phase for the new pumping station.”*

26. We note that the CPO lands and works subject to Brideford Properties objection are identified and described on **Figure 19**.

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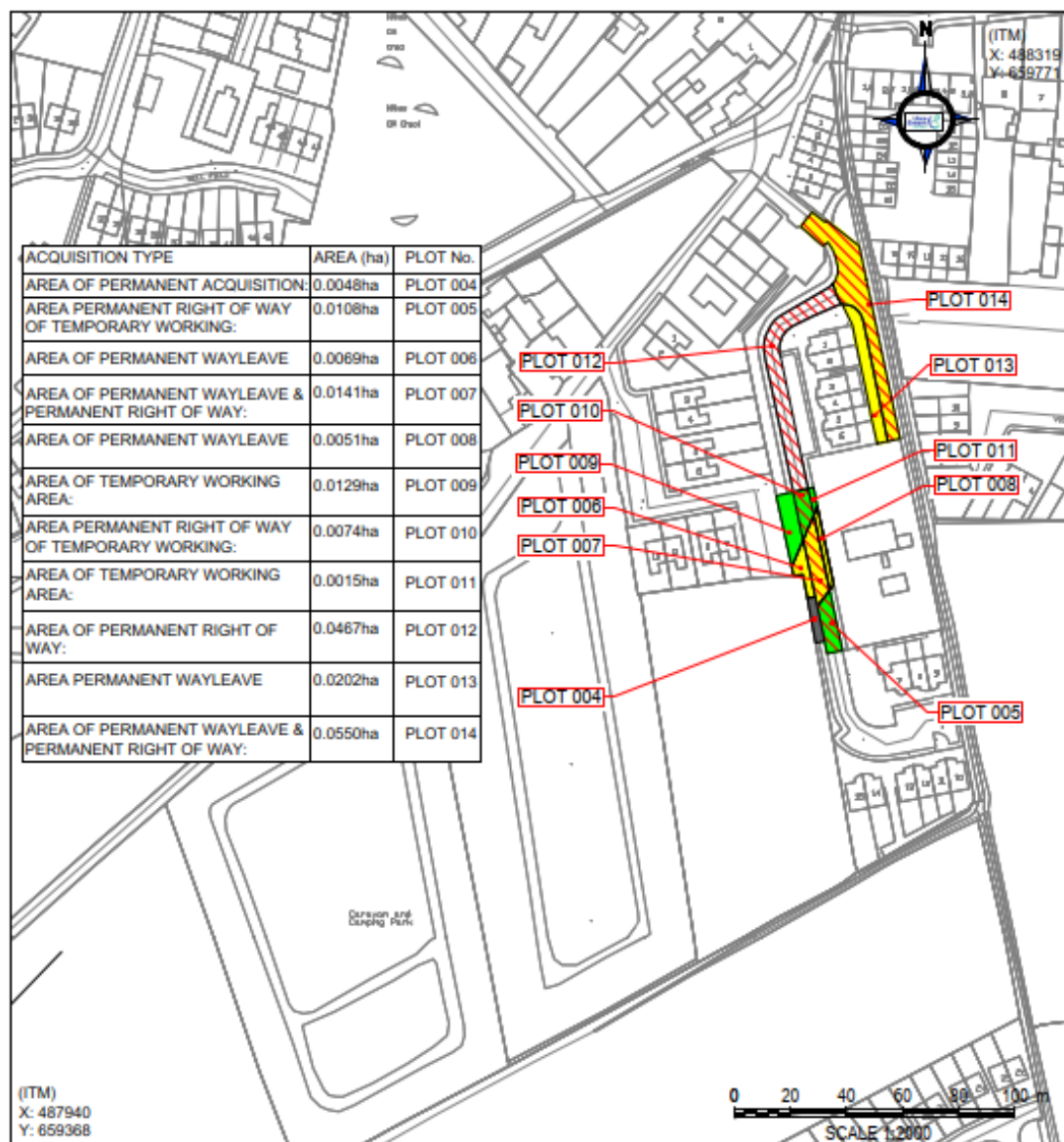


Figure 19: Bridesford Properties – CPO Lands and Works

27. We respond to each of the points raised by this Objector in turn, as follows:

1. **Health & Safety:** The Board Order (ABP-321258-24, dated 11 June 2025, as amended), in granting planning permission for the development, includes two conditions confirming that health and safety impacts during construction can be managed through further details provided to Clare County Council as part of the condition compliance process. These conditions are cited as follows:

“Condition 4: Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays, inclusive, between 0800 and 1400 hours on Saturdays and not at all on

Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: in order to safeguard the amenities of property in the vicinity.

Condition 5: The construction of the proposed development shall be managed in accordance with a finalised Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including noise management measures and off-site disposal of construction waste. Reason: in the interest of public safety.”

The proposed vehicle access route for the construction phase is via the existing Victoria Pumping Station. The construction vehicle route was developed in consultation with Brideford Properties Ltd and forms part of the planning application that was approved by An Coimisiún Pleanála. During this phase, access through three separate gates will necessitate the full-time presence of gatemen and banksmen to ensure the safe and coordinated movement of construction vehicles. However, it is important to note that this arrangement was not considered viable as a permanent access solution for the Proposed Pumping Station. Requiring a single Uisce Éireann operative to navigate three boundary gates to reach the site introduces unnecessary complexity and elevates operational risk, particularly taking account of the low level of traffic associated with the operational phase, described in more detail below.

It is noted that mess facilities for Uisce Éireann operational staff are currently located at the existing Victoria Pumping Station site. Upon commencement of operations at the Proposed Wastewater Treatment Plant and the Proposed Pumping Station Site, these facilities will be transitioned to the Proposed Wastewater Treatment Plant Site. This relocation is expected to significantly reduce the frequency of service vehicle movements to the existing Victoria Pumping Station site, which presently occurs daily.

The Proposed Foul Pumping Station has been purposefully designed to operate with minimal on-site personnel presence. As such, site access will be limited to routine maintenance checks, which would typically occur two to three times per week. This limited-access schedule reflects

the station's modern, low-intervention design and is expected to significantly reduce disruption to the surrounding area.

2. **Landowner Agreement:** Uisce Éireann and its agents, including John Daly, Landowner Liaison Partner with Avison Young and Tracy Horan, Divisional Director with Avison Young, have attended numerous meetings with representatives of Brideford Properties Limited from January 2022 to September 2025 to discuss their concerns and attempt to reach a resolution in the interest of all parties. Uisce Éireann has sought to openly address the issues raised by the objector in relation to the above CPO in advance of the scheduled Oral Hearing. Uisce Éireann remains committed to engaging with the landowners and their advisors to seek to resolve any issues or concerns that they may have.
3. **Boundary Wall:** We note that this objection raises an historic planning application issue associated with Clare County Council planning application Reg. Ref. 17 754 (applicant Irish Water). We note the concern; however, previous planning application issues do not constitute a valid objection to the CPO. Uisce Éireann will at all times act in compliance with planning permission and any other relevant consents. UE wish to reassure that all future works will strictly adhere to the approved plans.
4. **Noise:** Advancements in pumping technology and the application of modern construction materials and techniques will ensure that the New Foul pumping station is designed to operate at significantly reduced noise levels when compared to the existing Victoria pumping station, which was originally built in the early 1970s. Upon commencement of operations at the New Foul pumping station, all foul network flows currently managed by the Victoria pumping station will be redirected and pumped via the new facility. Consequently, the foul pumps within the Victoria pumping station will be taken out of service. The Victoria pumping station may remain operational only on a seasonal basis to manage stream flows during the summer months, specifically to divert these flows away from Kilkee beach. In support of the planning submission, a Noise Impact Assessment was undertaken by AWN Consulting Limited. The findings are documented in Technical Report No. 247501.021NR01, dated 28 May 2024, which was submitted as part of the planning application, now granted permission by ACP. It will form part of the supporting documentation that may be presented to An Coimisiún Pleanála.

5. **Perimeter Wall:** As part of the planning application submission, and following consultation with Brideford Properties Limited, the proposed development includes the construction of a 2.4-metre-high perimeter wall enclosing the New Foul Pumping Station (PS) site. With respect to the potential extension of this wall in the direction of property no. 15, it is noted that the UÉ does not hold the requisite planning permission nor legal title to the lands necessary to facilitate such an extension.
6. **Resurfacing:** It is a condition of the construction contract that the contractor would undertake a condition survey before the commencement of construction and reinstate any existing infrastructure disturbed or affected by the Work to a condition that is equal to or superior to its pre-existing condition. Such reinstatement shall be carried out to the satisfaction of Uisce Éireann and in accordance with all applicable statutory requirements, industry standards, and best practices.

6. Conclusion

28. We are satisfied that the proposed project is necessary for Uisce Éireann to meet its obligations under the Water Services Act 2007, and that only the minimum land required is being acquired. The site and route selection followed best practice, using Uisce Éireann's Technical Guidance Note 'IW-AD-PD-GL-008', and a five-stage process identified two preferred sites for the pumping station and the WWTP and two preferred routes from the pumping station to WWTP and WWTP to the outfall. These have been considered in a robust environmental assessment, relative to alternatives.
29. In the event that the CPO is confirmed by the Board, the exercise of the powers of acquisition by Irish Water shall interfere with the property rights of the objector to the minimal extent possible. Accordingly, the permanent acquisition of land, right of way and wayleaves and land for a temporary working area in the manner identified in the CPO, if confirmed, is proportionate to the interests of the common good served by the project.

IN THE MATTER OF AN ORAL HEARING

AND IN THE MATTER OF

UISCE ÉIREANNN COMPULSORY PURCHASE (KILKEE) ORDER 2025

AN COIMISIÚN PLEANÁLA REF PL03.321258

STATEMENT OF EVIDENCE OF

CATHERINE NORRIS

BSOC, SCI, MPLAN, ADIP, MRTPI, CIPI

PLANNING POLICY

Uisce Éireann Compulsory Purchase
Kilkee Waste Water Treatment Plant ORDER 2025
An Coimisiún Pleanála Ref ABP-321258-24

1. Qualifications and Experience

1. This statement of evidence has been prepared by Catherine Norris (Turley). It is submitted as evidence to the Kilkee Waste Water Treatment Plant Order 2025 Compulsory Purchase Order (CPO) Oral Hearing.
2. Turley was appointed by Uisce Éireann (UÉ) in 2021 as Town Planners on the Kilkee Waste Water Treatment Plant (WWTP) Project. I, Catherine Norris, have 17 years of experience in town planning. My experience principally relates to town planning consultancy for a range of built environment projects. My qualifications are Bachelor of Social Science (2005), Master of Town Planning (2007) and Diploma in Planning and Environmental Law (2024). I am a chartered member of the Royal Town Planning Institute (2010) and the Irish Planning Institute (2022).

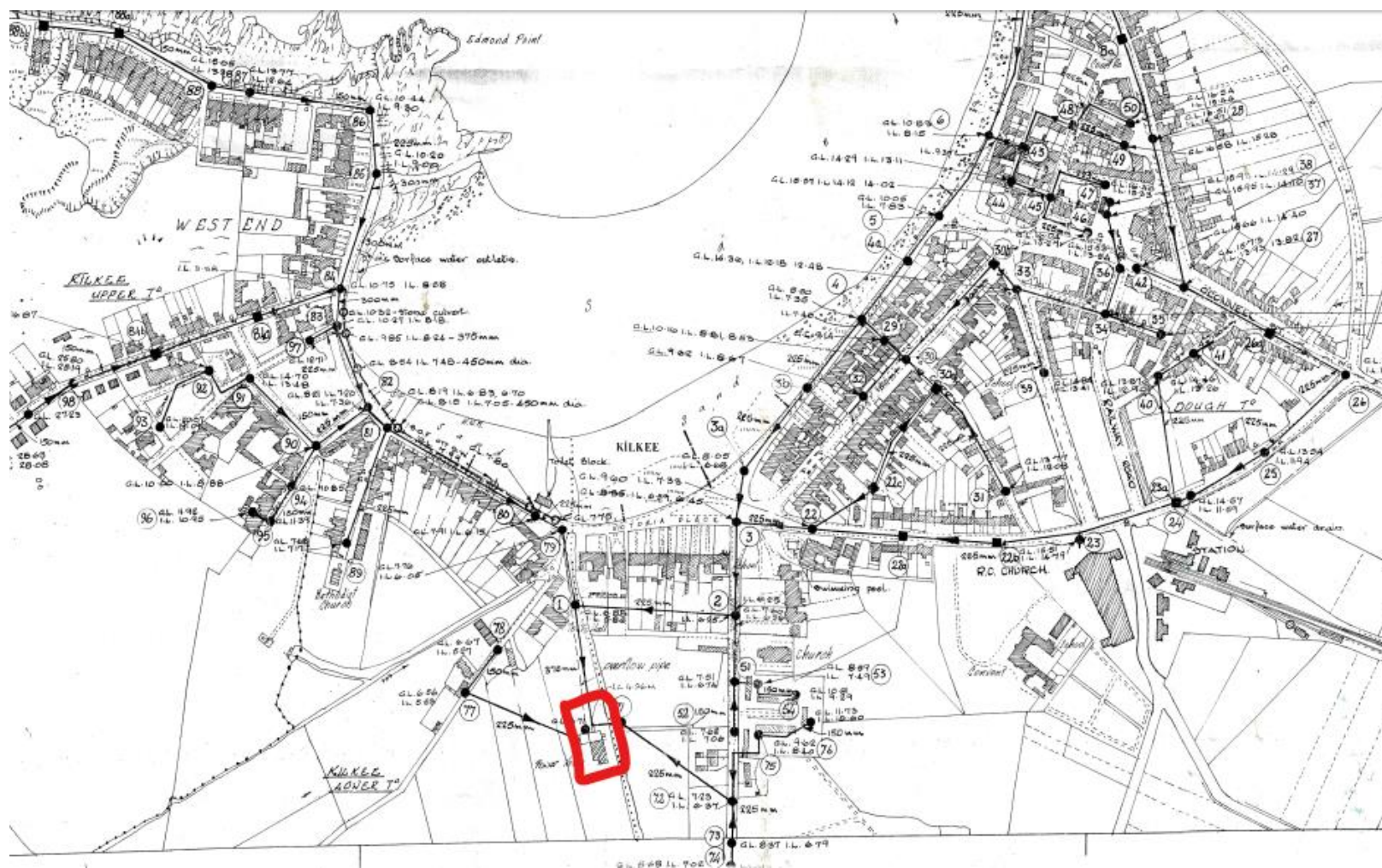
2. Project Need

3. Kilkee is not currently served by any wastewater treatment infrastructure, resulting in untreated wastewater being discharged into coastal waters, which is unacceptable under both European and National standards¹.
4. Kilkee is currently served by a combined wastewater network shown on **Figure 1** below. This conveys untreated flows to Victoria Pumping Station. The untreated flows are then pumped to the existing outfall location at Intrinsic Bay, west of Kilkee, via two rising mains. The existing outfall discharges into the sea within the Kilkee Reefs Special Area of Conservation (SAC), a European protected site
5. Victoria Pumping Station is on Victoria Park Road and is c. 0.24 ha in size. It is bound by residential properties and undeveloped sites to the southeast and southwest. The site includes a pumping station, an electrical substation, a standby generator, and a welfare building. It is enclosed by a brick wall on three sides and a palisade fence on the east. Victoria PS is the physical low point of the existing infrastructure of the Kilkee catchment area. The existing Victoria Pumping Station is shown on **Figure 2** below.

¹ The European Water Framework Directive (91/271/EC3), the Irish Urban Wastewater Treatment regulations (2001) and the Waste Water Discharge (Authorisation) Regulations 2007



Figure 1: Existing Victoria Park Pumping Station, Existing Outfall and Existing Pipework (Figure 3.1 from Site Selection Report)



3. Planning Application Site and Proposal

6. The planning application site is c4.56ha ('the planning application site'), consisting of two separate parcels of land in the townlands of Kilkee Lower and Foohagh:
 1. **Proposed Pumping Station (c1.05ha):** The Pumping Station Site is bound to the north by residential dwellings at Victoria Park and Páirc na mBláth, to the east by Victoria Stream and residential dwellings at Victoria Park; to the south by agricultural land and residential dwellings at Victoria Park, and to the west by Haugh Mobile Park and residential dwellings at Páirc na mBláth. It is made up of greenfield land to the west of the existing Victoria Pumping Station, a section of Victoria Park Road and Victoria Park Pumping Station. The Pumping Station Site is depicted on **Figure 3**.
 2. **Proposed WWTP (c3.51ha):** The Waste Water Treatment Site is bound to the north by agricultural land and the Dunlicky Road beyond, to the east by an un-named access road and agricultural land, to the south by agricultural land and a residential dwelling beyond, and to the west by agricultural land. The site is made up of greenfield agricultural land bounded by post and wire fencing, a dirt and gravel access land and a section of Dunlicky Road that is within the Foohagh Townland. The Waste Water Treatment Site is depicted on **Figure 4**.
7. The planning application development ('the planning application development') consists of 3 main elements
 1. **Proposed Pumping Station:** The construction of a new Foul Pumping Station (PS) at Subject Site (A) comprising of: an emergency storage tank; surge kiosk; washwater kiosk; odour control building; control panel kiosk; standby generator; foul pumping station; petrol interceptor; potable water / break tank kiosk; gantries for pump and cleaning system removal; installation of underground internal site pipework including surface water drainage and petrol interceptor; ESB building and panel room (c.36.2 sq. m. GFA); 2.4 m high capped boundary wall, new signage; an access gate; temporary construction access including the demolition and reinstatement of a boundary wall at the existing Victoria PS site, stonework on the angled walls at the entrance; temporary works area; permanent access off Victoria Park; and all hard and soft landscaping including screen planting. The Planning Application Layout for the new Foul Pumping Station is depicted on **Figure 5**.

2. **Proposed WWTP:** The construction of a new Wastewater Treatment Plant (WwTP) at Subject Site (B) comprising of: 2 no. primary settlement tanks; MCC kiosk; outfall pumping station; picket fence thickener; return liquors pumping station; sludge/scum pumping station; odour control plinth; inlet works and grit chamber; potable water break tank booster set kiosk; storm holding tank; storm return pumping station; excess FFT chamber; FFT flow measurement chamber; PST flow splitting chamber; gantries for pump and cleaning system removal; a control building (c.102.5sq. m. GFA); ESB building (c.36.2 sq. m. GFA); standby generator and fuel tank; solar panels (c.250 sq. m. area / c.3.5 m high); installation of a CCTV system and task lighting; 2.4 m high security mesh fencing; 1.2 m high stock-proof boundary fence; access gate; upgrading of the existing access lane and entrance from the Dunlicky Road (including the increasing of levels in the adjacent fields to match the existing lane levels to facilitate widening of the lane from c.3 m to c.4 m wide); 3 no. site parking spaces; new signage; temporary works area; and all hard and soft landscaping including earthwork berm with native grasses and shrubs to provide appropriate earthworks screening and screen planting. . The Planning Application Layout for the new WWTP is depicted on **Figure 6**.

8. The installation of new sewers comprising of: c.45m of new gravity sewer that will intercept the flows into the existing Victoria PS and transfer these flows to the new Kilkee Foul PS; c.85m storm overflow pipe to Victoria Stream from Kilkee Foul PS; connecting pipework from existing network to new Foul PS, connecting pipework to existing rising mains and all associated interconnecting pipework; providing overflow to Victoria Stream and associated new headwall, and new treated effluent rising mains; and c.1,050m of new rising main for the final effluent from the Kilkee WwTP to the existing Outfall manhole within the Foohagh Townland. The Planning Application Pipework Layout is depicted on **Figure 7 and 8**.

4. Compulsory Purchase Order

9. The land and works required by this CPO ('the CPO lands', 'the CPO works') is described as follows:
1. **Proposed Pumping Station and Pipework:** The lands and works required are identified and described in **Figure 9** below.
 2. **Proposed WWTP:** The lands required are identified and described in **Figure 10** below.



Figure 3: Foul Pumping Station Site Location (RFI)

4. Extant planning permission and recent planning history

10. Details of the extant planning permission on the site is provided as follows:

- Conditional planning permission for the planning application development was granted by unanimous Board decision in the Board Order dated 11 June 2025 (as varied by the Amending Commission Order of 5 August 2025, ‘the extant planning permission’). The permission is subject to a Judicial Review proceeding, leave for which was granted by the High Court on 15 September 2025. The Board’s decision enjoys a presumption of validity until the contrary is shown, a principle which has been followed in many cases, including *Lancefort Ltd. v. An Bord Pleanála* (1998) and *Harrington v. An Bord Pleanála & Ors* (2014). Since this decision was made, An Bord Pleanála (ABP) has been replaced by An Coimisiún Pleanála (ACP), and will be hereafter referred to as ACP.

11. The recent planning history of the site is otherwise provided as follows:

- **Proposed Pumping Station:** Clare County Council (CCC) Reg. Ref. 17-754 : Planning permission granted for Irish Water to carry out the following works within the existing Kilkee Pumping Station site at Victoria Park, Kilkee: a) construct an electrical substation building with client switch room/metering room (33sq.m) and associated site works with an entrance off Victoria park, (b) construct a standby generator building (39sq.m) and associated site works and (c) construct a welfare building with toilet and office (20 sq.m) and associated site works.
- **Proposed WWTP:** CCC Reg. Ref. **15-71:** Permission granted for a slatted house.

5. Strategic Water Services Policy

12. National strategic policy statements, guidance and plans relating to water services are summarised as follows:

- **Water Services Policy Statement 2018–2025 (Department of Housing, Planning and Local Government, DHPLG):** Outlines Ireland’s strategic priorities for water and wastewater services under three themes, Quality, Conservation and Future Proofing. Of these, Quality is deemed the most pertinent to the project, which emphasises the need for significant investment and operational improvements to meet international benchmarks in wastewater services – in this case, establishing

wastewater treatment for Kilkee, which is currently discharging untreated and unfiltered foul effluent flows into Intrinsic Bay.

- **Draft Water Services Guidelines for Planning Authorities 2018 (DHPLG):** These draft guidelines offer guidance for assessing wastewater treatment projects. Several criteria are provided to assess the development of waste services, including the requirement for upgrades or expansions of existing networks. In this case, the requirement is to establish a wastewater treatment facility for Kilkee through the planning application development.
- **Water Services Strategic Plan 2050 (Uisce Éireann):** Outlines long-term objectives for water service delivery in Ireland up to 2040, addressing current and future challenges while aligning with broader national and regional strategies. A key objective is the effective management of wastewater, with the aim of protecting environmental quality, ensuring service resilience, and operating efficiently. The planning application development aligns with this goal.
- **Capital Investment Plan 2020 to 2024 (Uisce Éireann):** The Project is included in Uisce Éireann's List of Capital Projects by Local Authority area. The required funding has been obtained and is available to complete the planned works and to acquire all associated wayleaves.

6. National Planning Policy

13. The National Planning Framework First Revision was brought into effect in April 2025. The following national strategic objectives (NSOs) and national policy objectives (NPOs) apply, which supersede those listed in the CPO Planning Report (Turley and Uisce Éireann) submitted with the CPO:
 - **NSO 9 Sustainable Management of Environmental Resources:** *“Ireland has abundant natural and environmental resources such as our water sources that are critical to our environmental and economic well-being into the future. Conserving and enhancing the quality of these resources will also become more important in a crowded and competitive world as well as our capacity to create beneficial uses from products previously considered as waste, creating circular economic benefits”*
 - **NPO 26:** *“Continue to support the proportionate growth of and appropriately designed development in rural towns that will contribute to their regeneration and renewal, including interventions in the public*

realm, the provision of amenities, the acquisition of sites and the provision of services.”

- **NPO 27:** *“Continue to support programmes for ‘new homes in small towns and villages’ with local authorities, public infrastructure agencies such as Uisce Éireann and local communities to provide serviced sites with appropriate infrastructure to attract people to build their own homes and live in small towns and villages.”*
- **NPO 42:** *“To target the delivery of housing to accommodate approximately 50,000 additional homes per annum to 2040.”*
- **NPO 66:** *“The planning system will be responsive to our national environmental challenges and ensure that development occurs within environmental limits, having regard to the medium and longer-term requirements of all relevant environmental and climate legislation and the sustainable management of our natural capital.”*
- **NPO 81:** *“Support the implementation by Uisce Éireann, Local Authorities and other parties with drainage responsibilities of Integrated Wastewater and Drainage Management Plans on a prioritised risk basis in accordance with the requirements of the RBMP and EU Water Directive.”*
- **NPO 87:** *“Enhance the conservation status and improve the management of protected areas and protected species by: Implementing relevant EU Directives to protect Ireland’s environment and wildlife and support the objectives of the National Biodiversity Action Plan; Developing and utilising licensing and consent systems to facilitate sustainable activities within Natura 2000 sites; Continued research, survey programmes and monitoring of habitats and species.”*
- **NPO 92:** *“Ensure the alignment of planned growth with the efficient and sustainable use and development of water resources and water services infrastructure, in order to manage and conserve water resources in a manner that supports a healthy society, economic development requirements and a cleaner environment.”*

6. Regional Planning Policy

14. The Regional Spatial and Economic Strategy (RSES) for the Southern Region prioritises sustainable, infrastructure-led development for water and wastewater services, recognising UÉ’s key role in delivering planned infrastructure. Regional Policy Objective (RPO) 112: Water Quality sets an objective to achieve and maintain high water quality standards, supporting the elimination of untreated

discharges, in line with EU directives², national regulation³, and long-term strategic planning, including the RSES. RPO 214: Eliminating Untreated Discharges sets an objective to eliminate untreated discharges in the short term and in the longer term, increasing compliance with the EU Urban Wastewater Directive (2024/3019). The planning application development to remove untreated wastewater discharges complies with these objectives.

7. Local Planning Policy

15. The Clare County Development Plan 2023 -2029 (CDP 2023 to 2029) is the adopted Development Plan for the area.
16. CDP Zoning Policy applies to the planning application site as follows:
 - **Proposed Foul Pumping Station:** The proposed Foul Pumping Station is located within the settlement boundary of Kilkee. The site is zoned “Utilities” (UT2), “Tourism” and “Buffer Space”. Wastewater treatment wastewater pumping stations and pipework are uses that are not listed in the Indicative Land Use Zoning Matrix in CDP Volume 1 Appendix 2. Therefore, the assessment of the principle of the development is guided by CDP Section 19.5.1 (Uses Not Listed in Indicative Zoning Matrix), which states that such uses will be considered on a case-by-case basis. The Board decision confirms our assessment that the proposed development is an acceptable type, scale and form of development for this zone.
 - **Proposed WWTP:** The proposed Foul Pumping Station is located within the settlement boundary of Kilkee and is not zoned. Wastewater treatment facilities and pipework are uses that are not listed in the Indicative Land Use Zoning Matrix in CDP Volume 1 Appendix 2. Therefore, the assessment of the principle of the development is guided by CDP Section 19.5.1 (Uses Not Listed in Indicative Zoning Matrix), which states that such uses will be considered on a case-by-case basis. The Board decision confirms our assessment that the proposed development is an acceptable type, scale and form of development for this zone.

² The Water Framework Directive (2000/60/EC) and Urban Wastewater Directive (2024/3019)

³ The Urban Wastewater Treatment regulations (2001) and the Waste Water Discharge (Authorisation) Regulations 2007

17. Other CDP policies and objectives apply to the planning application site as follows:

- **Core Strategy / Settlement Strategy:** CDP at Map 3 and Chapter 3: Core Strategy identifies Kilkee as a ‘Small Town’ with a population target of 1,631, an increase of 64 housing units and 102 persons (6.7%) during the plan period to 2029. Chapter 4: Urban and Rural Spatial Strategy states that several small towns, including Kilkee, require significant improvements to wastewater services of the type proposed by the Project. The Board's decision confirms our assessment that the planning application development is of strategic importance in delivering the CDP's core strategy and settlement strategy for Kilkee.
- **Kilkee:** CDP at Map 3 and Volume 3d: West Clare Municipal District identifies Kilkee as “a ‘Small Town’, important service centre and tourism resort”. It further acknowledges that there is “*limited wastewater treatment in Kilkee and that a new wastewater treatment plant, pumping station and rising main are planned in the town. The wastewater treatment plant is due to be completed within the lifetime of the plan. All future development in Kilkee will be contingent upon the provision of adequate wastewater treatment.*” The Board decision confirms our assessment that the planning application development is of strategic importance in supporting the future development of Kilkee.
- **Wastewater Services:** CDP at Chapter 11: Physical Infrastructure, Environment and Energy states that wastewater drainage is “*essential*” to the county’s “*sustainable development and environmental protection*” setting two development plan objectives which support the proposed development:
 - **Objective CDP 11.29 Water Services:** CCC will work closely with UÉ to ensure the timely delivery of water services, including through consultation and ensuring that all new development proposals comply with its standards and requirements.
 - **Objective CDP 11.32 Wastewater Treatment and Disposal:** CCC supports Uisce Éireann’s ongoing investment in wastewater treatment in the county.

The Board's decision confirms our assessment that the planning application development supports and complies with Objectives CDP 11.29 and CDP 11.32 of the CDP.

- **Natural Heritage:** Map F confirms that the site of the proposed Foul Pumping Station and WWTP is in close proximity to SAC002264 Kilkee Reefs Special Area of Conservation (SAC). It is also located in proximity to four further SACs⁴ and three Special Areas of Protection (SPAs)⁵. CDP at Chapter 15 and Objectives CDP 15.5, 15.8 and 15.9 address national heritage areas, non-designated sites, natural heritage sites and biodiversity. The site has been selected and designed to, where possible, avoid, reduce and mitigate environmental harm to this sensitive context using ecological and landscape assessment and design. This includes an Ecological Impact Assessment, Appropriate Assessment (AA) Screening Assessment, Natura Impact Assessment (NIS), together with Landscape Plans, Landscape and Visual Impact Assessment and Landscape and Visual Impact Assessment Addendum by Gannon Associates and Purser (EcIA) by MKO. The Board's decision confirms our assessment that the planning application development complies with the CDP's Natural Heritage Objectives.
- **Biodiversity:** CDP at Map F and Chapter 15, Section 15.1 sets a 'strategic aim' *"to promote sustainable development in harmony with local biodiversity and, if possible, take steps to enhance the natural environment."* Objective CDP 15.9 seeks to ensure that proposals for service infrastructure and road projects near important biodiversity sites protect natural heritage. The sites have been selected and are subject to ecological and landscape assessments outlined above. The selected site is the least constrained alternative available in the area. The site has been designed to, where possible, avoid, reduce and mitigate environmental harm to this sensitive context. The Board decision confirms our assessment that the planning application development complies with CDP Biodiversity Objectives.
- **Landscape:** CDP at Map C and Chapter 14 and Landscape Designations Map (Map C) confirms that the proposed Pumping Station and WWTP is outside designated landscapes. The WWTP is situated in close proximity to a Scenic Route and a Heritage Landscape, as outlined in CDP Policies 14.5 and 14.7, respectively. The Landscape and Visual Impact Assessment (LVIA) and landscape plans produced by Gannon Associates

⁴ SAC002165 Lower River Shannon; SAC002343 Tullagher Lough and Bog; SAC002250 Carrowmore Dunes; and SAC001021 Carrowmore Point to Spanish Point Islands

⁵ SPA004077 River Shannon and River Fergus Estuaries; SPA004114 Illaunonearaun; and SPA004182 Mid-Clare Coast.

and Purser help to ensure that the proposed development minimises harm to the landscape as a resource and visual receptors, including designated landscapes. The Board's decision confirms our assessment that the planning application development complies with CDP Landscape Objectives.

- **Built Heritage:** The Record of Monuments and Places (RMP) and Sites and Monuments Record (SMR) confirm that the proposed sites are not within an Architectural Conservation Area or any recorded archaeological sites and, as such, the Project will not have a direct impact on built heritage resources. In such areas, CDP Policy 16.11 applies. The planning application is supported by an Archaeological Impact Assessment (AIA) produced by Lane Purcell Archaeology. Due to the greenfield nature of the proposed WWTP, licenced archaeological testing is recommended at the WWTP before construction and licenced archaeological monitoring is advised at the application site during construction. If previously unknown archaeological features are identified, they will be either preserved by record or preserved in situ. The Board's decision confirms our assessment that the planning application development complies with CDP Built Heritage Objectives.
- **Stage 2 Flood Risk Assessment:** A Stage 2 Flood Risk Assessment (FRA) by Doran Consulting was submitted with the planning application in compliance with Objective CDP2.6 of the CPD. Our assessment and the Board's decision confirm compliance with this objective on the following basis:
 - The Proposed Pumping Station: Most of the land is in Flood Zones A and B. The FRA did not find any records of historical, surface, or groundwater flooding. The site is located in Zone A (highest risk) for fluvial flooding and Zone B (moderate risk) for coastal flooding, so a Justification Test was required and completed; the results of which were confirmed by the Board's decision.
 - The Proposed WWTP: This land is not located in a designated flood risk area. The FRA concludes that there are no historical flooding records for surface or groundwater flooding; it is located in Flood Zone C (the lowest risk of flooding) for both fluvial and coastal flooding, so a justification test is not required.
- **Noise:** A Noise Assessment has been produced by Awn Consulting Limited in relation to the proposed foul pumping station site and Uisce Éireann standards have been applied for noise to the development as a

whole. This confirms the existing and proposed noise levels on the site in compliance with Objective CDP 11.40. Our assessment and the Board's decision confirm compliance with this development plan objective.

- **Solar Energy:** CDP Chapter 2 and Development Plan Objective 2.18: Solar Energy encourages the use of solar thermal or solar PV installations for new developments. The power or proposed WWTP will be supplemented by on-site PV panels, which comply with this policy and also help UÉ achieve its requirements as a public sector body to reduce CO2 equivalent emissions by 51% by 2030. A Glint and Glare Study was submitted with the planning application to demonstrate the solar panel's acceptability in environmental terms. The Board decision confirms our assessment that the planning application development complies with CDP Solar Energy Objectives for the provision of solar energy as part of new development.

6. Environmental Assessment

18. The following environmental assessments support the Project:

- **Water Framework Directive (WFD)⁶:** Kilkee's population is below the 10,000 population equivalent (PE) threshold for stricter Emission Limit Values (ELVs) in the Urban Waste Water Treatment Regulations (2001). For sub-threshold development, 'appropriate treatment' is required, and primary treatment has been identified as the treatment solution for a design population of 7.926 PE.
- **Existing Wastewater Discharge Authorisation:** Since 2007⁷All wastewater discharges from public sewer networks require Environmental Protection (EPA) licencing or certification to comply with the WFD. The Kilkee system must be upgraded to provide primary treatment by November 2022, as required by its licence.
- **Environmental Impact Assessment (EIA):** An EIA Screening by Turley found that the planning application site and development fall below mandatory EIA thresholds⁸. Assessment of sub-threshold criteria⁹ also confirmed that significant environmental effects are unlikely to arise from

⁶ 91/271/EC3

⁷ The Waste Water Discharge (Authorisation) Regulations, 2007

⁸ Schedule 5 of the Planning and Development Regulations (P&DR, 2001).

⁹ Schedule 7a of the P&DR

the project's characteristics, location, or potential impacts, individually or in combination with other developments.

- **AA Screening and NIS:** An AA Screening by MKO found that significant effects arising from the planning application site and development on SAC002264 Kilkee Reefs SAC, a European site, could not be excluded beyond a reasonable scientific doubt. Accordingly, an NIS was carried out by MKO, which concluded that all potential, direct, or indirect adverse effects on this European Site have been identified and robustly mitigated by avoidance, appropriate design, and mitigation measures proposed by the planning application development. Consequently, the Project will not adversely affect the integrity of any European site, including Kilkee Reefs SAC.
- **ECIA Report:** An ECIA by MKO found that the planning application development's residual impact on ecological receptors will not be significant, either alone or in combination with other developments, provided it is built and operated as designed.
- **Invasive Species Survey:** An Invasive Species Survey by MKO found that invasive species are limited on the planning application site. The Project will avoid Japanese Knotweed and follow measures to prevent its spread, while also minimising disturbance to Montbretia.
- **Archaeology Impact Assessment (AIA):** An AIA found no recorded archaeological sites within the proposed planning application site; therefore, no direct impact is expected from the planning application development. However, due to its greenfield nature, licenced archaeological testing is recommended at the WWTP before construction and licenced archaeological monitoring is advised at the application site during construction. If previously unknown archaeological features are identified, they will be either preserved by record or preserved in situ.
- **Noise:** A Noise Assessment has been produced by AWN Consulting Limited in relation to the proposed foul pumping station site and Uisce Éireann standards have been applied for noise to the development as a whole. This confirms the existing and proposed noise levels on the site in compliance with Objective CDP 11.40. Our assessment and the Board's decision confirm compliance with this development plan objective.

- **Stage 2 Flood Risk Assessment:** A Stage 2 Flood Risk Assessment (FRA) by Doran Consulting was submitted with the planning application, which found the following:
 - The Proposed Pumping Station: Most of the land is in Flood Zones A and B. The FRA did not find any records of historical, surface, or groundwater flooding. The site is in Zone A (highest risk) for fluvial flooding and Zone B (moderate risk) for coastal flooding, so a Justification Test was required and completed, the results of which were confirmed by Board decision.
 - The Proposed WWTP: This land is not located in a designated flood risk area. The FRA concludes that there are no historical flooding records for surface or groundwater flooding; it is located in Flood Zone C (the lowest risk of flooding) for both fluvial and coastal flooding, so a justification test is not required.
- **Kilkee Flood Relief Scheme:** A flood defence scheme for Kilkee is in the design stage. CCC and the OPW, with JBA Consulting, have presented the preferred fluvial option for public feedback. The OPW is funding the project, which will protect Kilkee against a 1% Annual Exceedance Probability (1 in 100-year) river flood event.

4. Objections

19. We note the objection of Brideford Properties Limited, which is as follows:

1. *"The health and safety of children playing in Victoria Park is a concern if service vehicles and equipment are allowed drive through the estate. Residents have asked that service vehicles and equipment should be routed through the same way as the construction vehicles and equipment will be routed during the construction phase, via plot 14, plot Sand plot 4 on drawing IW10015237 /AQ/002 Rev 5*
2. *Irish water has failed to complete a successful agreement with Brideford properties for the purchase and use of lands owned by Brideford properties Ltd.*
3. *We have concerns that work not outlined in the plans could be done as was the case with planning application 17754 dated Oct 4th, 2017, whereby an attempt was made to knock a boundary wall at Victoria Park to facilitate an*

entrance to a new ESB transformer from our estate without any consultation.

4. The noise level coming from the existing pumping station are of a high decibel level and are a concern for residents particularly at nighttime. We believe this will be even worse with the construction of a second pumping station.
 5. To make Victoria Park look aesthetically pleasing we want the 2.4 metre perimeter wall around the new pumping station extended to meet the existing boundary wall at house no 15 Victoria Park.
 6. The road leading to the existing pumping station through which construction traffic will be routed to be resurfaced following the construction phase for the new pumping station.”
20. We note that the CPO lands and works subject to Brideford Properties objection are identified and described on **Figure 11**.

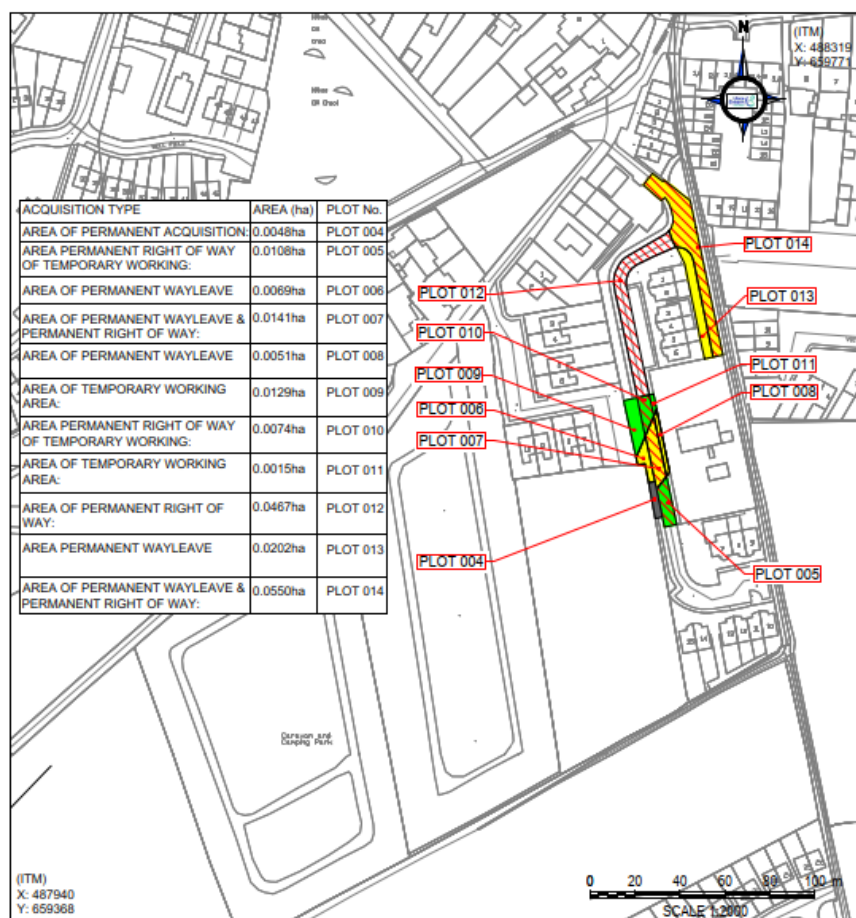


Figure 11: Brideford Properties – CPO Lands and Works

21. Please see our response to the objector's points under the Witness Statement for Site Selection.

6. Conclusion

22. We are satisfied that the proposed project is necessary for Uisce Éireann to meet its obligations under the Water Services Act 2007, and that only the minimum land required is being acquired. The site and route selection followed best practice, using Uisce Éireann's Technical Guidance Note 'IW-AD-PD-GL-008', and a five-stage process identified two preferred sites for the pumping station and the WWTP and two preferred routes from the pumping station to WWTP and WWTP to the outfall. These have been considered in a robust environmental assessment, relative to alternatives.
23. In the event that the CPO is confirmed by the Board, the exercise of the powers of acquisition by Irish Water shall interfere with the property rights of the objector to the minimal extent possible. Accordingly, the permanent acquisition of land, right of way and wayleaves and land for a temporary working area in the manner identified in the CPO, if confirmed, is proportionate to the interests of the common good served by the project.

IN THE MATTER OF AN ORAL HEARING

AND IN THE MATTER OF

UISCE ÉIREANN COMPULSORY PURCHASE

(KILKEE WASTEWATER TREATMENT PLANT) ORDER, 2025

AN COIMISIÚN PLEANALA REF. NO. 322828-25

STATEMENT OF EVIDENCE OF

Tracy Horan

Landowner Engagement

INTRODUCTION

I, Tracy Horan, am a Divisional Director with Avison Young and a qualified Chartered Surveyor. I graduated with a Diploma in Auctioneering, Valuations & Estate Agency from Bolton Street Institute of Technology in 2002 and successfully completed the Society of Chartered Surveyors Direct Final Exams in 2004. I have gained specific relevant experience over 20+ years in the inspection of property and the assessment of the impact of various infrastructural developments. This work has included advising on the property impacts of route selections, consulting with property owners and the evaluation of acquisitions for a variety of major projects in Ireland.

Since joining Avison Young (then GVA Donal O'Buachalla) in 2017, I have worked daily for many utility providers including Irish Water/Uisce Eireann. In addition to preparing scheme estimates, my role also requires me to engage with landowners and/or their appointed agents, to negotiate compensation.

Avison Young was instructed by Uisce Eireann to provide property valuation and negotiation services in respect of the proposed scheme in March 2022. I am Avison Young's Lead Surveyor for this scheme.

LANDOWNER ENGAGEMENT

I set out below a summary of Avison Young's engagement with the landowner.

Landowner	Nature of Interest	Date	Type of Contact	Comments
Billy Purcell	Hon. Secretary	29/03/2022	Telephone Call	Telephone conversation re scheme and re arranging a meeting with UE to discuss
Billy Purcell	Hon. Secretary	04/04/22	Telephone Call	Call rang to voicemail. TH left message with proposed dates for requested site meeting
Billy Purcell	Hon. Secretary	22/07/22	Email	Email to BP with proposed dates for meeting in Kilkee
Billy Purcell Paul Mullins Peter Roche	Hon. Secretary Chairperson House Owner	10/08/2022	Meeting	Meeting in Kilkee in Paul Mullins property to discuss the scheme and proposed acquisitions from Brideford Properties. Queries from Brideford were taken back to UE for response
Billy Purcell	Hon. Secretary	17/10/2022	Email	Email from BP seeking update on responses to queries raised at meeting
Billy Purcell	Hon. Secretary	21/10/2022	Email	Email from BP seeking update on responses to queries raised at meeting
Billy Purcell	Hon. Secretary	21/10/2022	Email	Email to BP with responses to queries raised at meeting
Billy Purcell Paul Mullins Peter Roche	Hon. Secretary Chairperson House Owner	13/12/2022	Meeting	Meeting in South Court Hotel with Brideford & UE

Billy Purcell Paul Mullins	Hon. Secretary Chairperson	13/06/2023	Emails x 3	Email to BP & PM re compensation, request for breakdown by BP & PM, email with breakdown
Billy Purcell Paul Mullins	Hon. Secretary Chairperson	28/08/2023	Email	Email to BP & PM re appointing a Valuer
Billy Purcell Paul Mullins	Hon. Secretary Chairperson	14/09/2023	Email	Follow up email to BP & PM re my mail of 28/08/2023
Billy Purcell Paul Mullins	Hon. Secretary Chairperson	18/12/2023	Email	Email to BP & PM notifying them of erection of site notices in advance of planning application
Paul Mullins	Chairperson	20/12/2023	Emails x 2	Emails with PM re proposed erection of site notices
Billy Purcell Paul Mullins Peter Roche	Hon. Secretary Chairperson House Owner	07/02/2024	Meeting	Meeting to discuss various queries, requests, issues raised
Billy Purcell Paul Mullins Peter Roche	Hon. Secretary Chairperson House Owner	12/10/2024	Meeting	Meeting to discuss various queries, requests, issues raised
Paul Mullins	Chairperson	08/08/2025	Telephone Call & Email	Call to discuss compensation and follow up email.
Billy Purcell Paul Mullins Peter Roche	Hon. Secretary Chairperson House Owner	10/09/2025	Meeting	Meeting in Castletroy Park Hotel to discuss CPO objection

CONCLUSION

I am satisfied that reasonable endeavours were made by Avison Young to engage with the landowner to explain the process and to seek to agree the consensual acquisition of permanent acquisition, permanent wayleaves, permanent rights of way and temporary working areas on their lands by Uisce Eireann.

Tracy Horan MSCSI MRICS
Divisional Director
Avison Young

AN COIMISIÚN PLEANÁLA
(REF. NO. ACP-322828-25)

ORAL HEARING

UISCE ÉIREANN COMPULSORY PURCHASE
(KILKEE WASTEWATER TREATMENT PLANT) ORDER 2025

WITNESS STATEMENT OF ÁINE GILHOOLY

COMPULSORY PURCHASE ORDER PROCEDURE

1. Introduction

1.1 Qualifications and Experience

I, Áine Gilhooly, hold an undergraduate degree in Business and Law from University College Dublin and a master's degree in European law with Economic Analysis from the College of Europe in Bruges. I am a qualified, but not a practicing solicitor with conveyancing experience and I have over two years' experience dealing with infrastructure related Land projects.

I have been involved in compulsory land acquisition issues on a number of projects.

1.2 Role in the Project

I am the Land and Utilities Lead in Uisce Éireann. I have the responsibility for providing business support to its Delivery Portfolios in terms of Land and Wayleave compulsory acquisition.

2. Summary of Uisce Éireann's Compulsory Purchase Order Process

(A) Preliminary

Uisce Éireann issued 'Introduction to Project' letters dated 13th September 2018, 17th February 2022 to the Landowner (see **Appendix 1**). This letter informed the Landowner of the nature of the Project and provides contact details of the Uisce Éireann's Landowner Liaison Partner ("LLP").

Engagement with Brideford Properties Limited (the "Landowner") and the LLP began in March 2022. The LLP introduced the "Project" (the proposed Kilkee Wastewater Treatment Plant) in person and acted as the point of contact for the Landowner for any queries related to the project (not related to compensation) 24th June 2019, 08th March 2022 (see **Appendix 2**). This letter notified the Landowner that Uisce Éireann's valuer would be in contact to enter negotiations and to agree compensation.

Uisce Éireann issued '60 day' letter dated 05th September 2019, 03rd August 2023 to the Landowner (see **Appendix 3**). This letter enclosed:

- (a) Drawing showing the route of wayleave or lands being acquired;
- (b) Wayleave and Option Agreement or Land Acquisition Agreement, as applicable, which Uisce Éireann will enter into with Landowner in due course (if the CPO is confirmed, satisfactory proof of title is provided and finalisation of compensation payable);
- (c) Landowner/ Occupier/Tenant Form (if applicable), which must be completed by the current occupier of the land and returned with the Wayleave and Option Agreement;

(d) Uisce Éireann Code of Practice - (which is incorporated into the Deed of Easement) setting out the undertakings and other arrangements which Uisce Éireann is prepared to enter into in return for Landowners' agreement to grant the wayleave and any required working facilities and/or to transfer the site on a voluntary basis.

(e) Draft of Deed of Easement.

The Landowner was afforded 60 days to sign agreement and prove title and the letters also informed the Landowner of Uisce Éireann's intention to make a CPO in relation to the lands should agreement not be reached, or title cannot be proven. The Letters also provided a point of contact.

(B) Making the CPO

1. To enable Uisce Éireann to exercise its powers of compulsory acquisition, the following documents are prepared:

- Compulsory Purchase Order;
- Compulsory Purchase Order drawings;
- Public Notice for publication in Newspaper; and
- Landowner Notices of Compulsory Purchase Order.

2. Prior to the making of the CPO, the Engineers Report and Chief Executive Officer's Order were prepared and signed.

Kilkee Wastewater Treatment Plant Project Engineers Report was signed on 26 th May 2025 (Appendix 4).

Kilkee Wastewater Treatment Plant Project Chief Executive Officer's Order was signed on 27 th May 2025 (Appendix 5).
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3. The Compulsory Purchase Order Documents are signed by the Company Secretary and a Director of Uisce Éireann.

Kilkee Wastewater Treatment Plant Project Compulsory Purchase Order Documents (Appendix 6) were signed on 29 th May 2025.

4. Subsequent to the making of the CPO, the Compulsory Purchase Order "pack" is issued to landowners and occupiers. This includes:

- Compulsory Purchase Order Cover Letter;
- Landowner Notice;
- Individual Landowner Drawings; and
- Copy of the signed and sealed Compulsory Purchase Order.

Kilkee Wastewater Treatment Plant Project Compulsory Purchase Order "Pack" (sample in **Appendix 7**) was issued to landowners and occupiers on 10th June 2025.

5. The Compulsory Purchase Order is put on Public Display in Colvill House, 24-26 Talbot Street, Dublin, and a local place, i.e. Library, County Hall etc.

Kilkee Wastewater Treatment Plant Project Compulsory Purchase Order was put on Public Display in Colvill House, 24-26 Talbot Street, Dublin, and Sweeney Memorial Public Library on 10th June 2025.

6. The Public Notice is published in the Newspaper with the objection date of 4 weeks post notification.

Kilkee Wastewater Treatment Plant Project Public Notice was published in "The Clare Champion" on 13th June 2025 (**Appendix 8**).

7. A period within which to make objections (4 weeks) applied from the date of publication of the notice.

8. The documentation included on the file was forwarded to An Coimisiún Pleanála including:

- Chief Executive Officer's Order
- The Compulsory Purchase Order signed and sealed by the Chief Executive Officer and the Company Secretary (Three Copies)
- The Compulsory Purchase order map signed and sealed by the Chief Executive Officer and Company Secretary (Three Copies)
- Engineers Report from the relevant Programme Manager, confirming that the proposed work is in conformity with the planning development objectives of the area and the Local Area Plan and that the acquisition of the land is suitable and necessary for the purpose.
- Public Notice from Newspaper
- Sample copy of notice sent to Landowner
- Certificate of service of CPO notices (**Appendix 9**).

Kilkee Wastewater Treatment Plant Project Compulsory Purchase Order file was submitted to An Coimisiún Pleanála on 19th June 2025.

9. An objection to the making of the CPO was received by An Coimisiún Pleanála from:
- Brideford Properties Ltd on 03rd July 2025. For completeness, a further letter from Antoinette Coffey was received on 10th July 2025.

10. The objection has not been withdrawn.

11. As outlined above, Uisce Éireann managed a clear process in relation to making the CPO and managing all CPO documentation, making documentation available for

public display and enabling landowners or persons with interest in lands to make objections to the CPO.

12. Uisce Éireann and its agents engaged comprehensively with the Landowners prior to the making of the CPO including, the correspondence referred to herein and in-person meetings, emails and telephone correspondence between Uisce Éireann, its agents and the Landowners and their agents have been prepared and included in the statement of Tracy Horan and John Daly.
13. I am satisfied that all reasonable endeavours were made to engage with the Landowners and/or their agents, in so far as they were required, both prior to and following the service of the Compulsory Purchase Order.
14. In consequence of the objections being made to the CPO, Uisce Éireann appropriately applied for confirmation of the CPO to the Board.

Signed:

Áine Gilhooly

LAND AND WAYLEAVES LEAD, UISCE ÉIREANN

Appendix 1

Appendix 2

Appendix 3

Appendix 4

Appendix 5

Appendix 6

Appendix 7

Appendix 8

Appendix 9

Appendix 10