

COMPULSORY ACQUISITION OF LANDS AND RIGHTS OVER LAND

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

ENGINEERS REPORT

To: CEO, Uisce Éireann

Date: April 2025

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Purpose of Report and Documents Enclosed

1. The purpose of this report is to recommend to the Chief Executive Officer the making of the proposed Uisce Éireann Compulsory Purchase (Kildavin Wastewater Treatment Plant Upgrade Project) Order, 2025.
2. The Order is required for the purposes of Uisce Éireann's advancing the Kildavin Wastewater Treatment Plant Upgrade ("the Project") which is included in the Uisce Éireann Capital Investment Plan 2020-2024 and the Uisce Éireann Draft Capital Investment Plan 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 Kildavin Wastewater Treatment Plant Upgrade Project 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. Uisce Eireann (UE) require upgrades to the existing facility due to it being overloaded and its discharge quality not meeting the UÉ & Environmental Protection Agency (EPA) Standards. The existing treatment plant mainly comprises of an aeration and clarification process, which does not presently allow the existing treatment plant to meet the emission limit values required of its current receiving water body (Kildavin Stream).
6. The Kildavin Wastewater Treatment Plant (WwTP) Upgrade project includes the relocation of the final effluent discharge outfall to a new location at the larger River Slaney. This new location has greater dilution available in the river and allows the effluent to be assimilated without reducing the river water quality. This upgrade will provide capacity for growth within the settlement. Current estimated capacity 242 PE, current agglomeration load 241 PE and the 30-year design horizon is 350 PE.



Figure 1 Kildavin WwTP and proposed discharge point.

7. The lands, wayleaves and Rights of Way required for the Kildavin Wastewater Treatment Plant Project as it affects the townland of Kildavin (and to be included in the proposed Compulsory Purchase Order) are described in the schedules to the enclosed draft "Uisce Éireann Compulsory Purchase Order (Kildavin Wastewater Treatment Plant Upgrade) 2025" and are depicted in the following proposed Compulsory Purchase Order Drawings:
 - UE/10053457/CPO/0001
 - UE/10053457/CROW/001
 - UE/10053457/CTWA/001
 - UE/10053457/CWL/001
8. As part of the concept design stage various options were investigated to achieve the project goals, both from a technical and feasibility standpoint. Following completion of this phase the agreed option was progressed to detailed design phase.
9. In order to bring this agglomeration into compliance with the Urban Wastewater Directive (Council Directive 91/271/EEC of 21st May 1991) and the relevant Wastewater Discharge Certificate of Authorisation, the Project aims to maintain the existing secondary treatment for the Kildavin agglomeration and a new provide Wastewater Pumping Station, and new rising main, and gravity sewers, to discharge at a new outfall point in the River Slaney.

Description of the Scheme & Public Interest

10. Generally, the scheme consists of the provision of the following principal elements:

- a) Upgrade of inlet sewer to Kildavin Wastewater Treatment Plant on the R724 road.
- b) Provision of new storm tank to balance incoming flows.
- c) Provision of new sludge tank to reduce tankering requirements.
- d) New Wastewater Pumping Station on existing Wastewater Treatment Plant site to transfer final effluent to the River Slaney. Includes duty/standby submersible pumps and emergency storage to transfer flow to the Wastewater Treatment Plant.
- e) New rising main to transfer flows from Wastewater Pumping Station on Wastewater Treatment Plant site to high point on L2027 road.
- f) New gravity sewer to transfer flows from high point on L2027 to new River Slaney outfall.
- g) New headwall on River Slaney to facilitate new outfall.

11. The main objectives of the project are as follows: -

- a) Bring the agglomeration into compliance with the Urban Wastewater Directive and the relevant Wastewater Discharge Certificate of Authorisation by maintaining secondary wastewater treatment for the Kildavin agglomeration and transferring treated effluent to a receiving waterbody with a higher assimilative capacity.
- b) Address sludge management issues at existing Wastewater Treatment Plant.
- c) Provide sufficient capacity to cater for expected growth.

History of Scheme Development and Statutory Processes

12. In addition, the Kildavin Wastewater Treatment Plant Upgrade is required to comply with:

- a) National and Regional Planning Policy
- b) Urban Wastewater Directive (Council Directive 91/271/EEC of 21st May 1991)
- c) Surface Water Regulations
- d) Water Services Act 2007-2014
- e) The Water Services Strategic Plan
- f) Environmental Protection Agency guidance
- g) River Basin Management Plan for Ireland 2022-2027

13. The European Union Urban Wastewater Treatment Directive of 1991 sets out requirements for the collection, treatment and discharge of urban wastewater, with the objective of protecting the environment from the adverse effects of wastewater discharges. European Union member states are required to implement the Directive through national legislation.

14. The Urban Wastewater Treatment Regulations, 2001-2010 is the national legislation which gives effects to the requirements of the Directive in Ireland.

15. The introduction in 2007 of a licencing and authorisation process for urban wastewater discharges (S.I. No 684 of 2007 – Wastewater Discharge (Authorisation) Regulations 2007) is a further national measure taken by Ireland to prevent and reduce pollution by urban wastewater discharges. These regulations implement a number of measures required under the Water Framework Directive as well as giving effect to measures required under the following: the Birds Directive, the Groundwater Directives, the Drinking Water Directive, the Habitats Directive, the Bathing Water Directive and the Dangerous Substances Directive.
16. Licences under these 2007 Regulations are issued by the Environmental Protection Agency (EPA). A Wastewater Discharge Certificate of authorisation for the Kildavin agglomeration was issued to Uisce Éireann in January 2010. This specified that appropriate improvements to the sewerage system, including the Wastewater Treatment Plant, are necessary to ensure all discharges(s) from the agglomeration contribute towards achieving at least good status in accordance with the Surface Water Regulations 2009 and/or the European Communities Environmental Objectives (Groundwater) Regulations 2010.
17. The Project is required to bring the Kildavin agglomeration in line with both the Urban Wastewater Treatment Directive and the Wastewater Discharge Certificate of Authorisation.

The Need for these Lands and the Need to acquire them Compulsorily.

18. The CPO is required to facilitate the construction of elements of the scheme, namely the new Wastewater Pumping Station and pipe alignment to the new River Slaney outfall. It should be noted that there are other elements of the scheme where CPO is not required.
19. During the design process numerous options were examined with the current proposal being the most feasible, however it was determined that construction on lands not in the ownership of Uisce Éireann would be required. These lands consisted of permanent wayleaves and permanent rights of Ways. In this regard I refer to the enclosed “Kildavin Route Selection Report” of Jacobs Consulting Engineers dated June 2023.
20. The lands, wayleaves and Rights of Way required for the Kildavin Wastewater Treatment Plant Project as it affects the townland of Kildavin (and to be included in the proposed Compulsory Purchase Order) are described in the schedules to the enclosed draft “Uisce Éireann Compulsory Purchase Order (Kildavin Wastewater Treatment Plant Upgrade) 2025” and are depicted in the following proposed Compulsory Purchase Order Drawings:
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21. Attempts have been made, in the period from June 2023 to date, to acquire these wayleaves and Rights of Way by agreement. However, this proved not to be possible for the following reasons:

- a) Plot 001 – The affected land is within a larger parcel of land that surrounds the Kildavin Wastewater Treatment Plant, the landowner has expressed an interest in retaining this land and potentially relocating the site of the existing Wastewater Treatment Plant site to another location.
- b) Plot 003 – The affected land is within a larger parcel of land that surrounds the Kildavin Wastewater Treatment Plant, the landowner has expressed an interest in retaining this land and potentially relocating the site of the existing site. The landowner has not been disagreeable regarding this land, however it is under the same ownership as Plot 001.

22. From our discussions with the landowner and his representatives, it was finally evident that a voluntary agreement could not be concluded due to the differences on the design and recompense. This made the need for a Compulsory Purchase Order essential in order to progress the project and its improvements.

Planning

23. The proposed development has been assessed with regard to the County Carlow Development Plan 2022-2028. The proposed project is compliant with the Plan, is in the community interest and is required to assist Uisce Éireann in fulfilling its duties and functions under the Water Services Act, 2007. Additionally, the proposed project and the associated acquisition of lands or rights over lands requires planning permission and application for same was in April 2025 (Carlow Planning Ref. 2560090). Please refer to the planning report attached.

Engagement with Landowners / Lessees / Occupiers

24. Engagement with Landowners began in June 2023 and has continued to the present time. Uisce Éireann's Landowner Liaison Partners John Fanning & Gavin Quinlan, introduced the project in person and acted as the point of contact for the landowner for any queries related to the project (not related to compensation). Formal correspondence was also issued to the landowner as part of Uisce Éireann's engagement. The following letters were issued on the corresponding dates:

Landowner / Occupier / Agent	Date	Type of Contact	Comments
James Conway	14/09/2023	Telephone call	GQ called JC to introduce himself as valuer and to discuss the project and process.
James Conway	29/09/2023	In person	JF was onsite inspecting si and meeting with the landowner.
James Conway	02/10/2023	In person	JF was onsite supervising trial holes being dug.

Brendan Mitchell	26/10/2023	Phone call	JF received an email from Brendan looking for a teams meeting with the technical team in Uisce Éireann.
James Conway	27/10/2023	In Person	JF delivered new maps to James Conway
Brendan Mitchell	03/11/2023	Email	JF emailed Brendan maps who responded on the 07/11/2023 and said the maps were not very intuitive.
Brendan Mitchell	10/11/2023	Email	JF emailed Brendan saying I was waiting on the pm to decide a date for the meeting.
James Conway	29/02/2024	Phone call	JF was organising access for core boreholes with the landowner.
James Conway	15/03/2024	Phone call	JF - numerous phone calls between myself the landowner and the contractor to arrange dates for boreholes. Please note the contractor changed the dates
James Conway	15/08/2024	In person	JF - the landowner asked me to print off maps again deliver them and explain the project again.
James Conway & Brendan Mitchell	23/08/2024	In person	Gavin and John had an onsite meeting with James and Brendan was on the phone in his office.
James Conway & Brendan Mitchell	23/08/2024	In person	GQ and John Fanning met with James Conway (and his brother) in person in his office to discuss the scheme. Brendan Mitchell joined by phone.
Brendan Mitchell	15/10/2024	Telephone call	GQ returned BMs call. Discussed the project etc
Brendan Mitchell	31/10/2024	Telephone call	GQ returned a missed BM call. No answer, left a message.
Brendan Mitchell	14/11/2024	Telephone call	GQ and Bm spoke about possible alternatives to the scheme as proposed.
Brendan Mitchell	09/01/2025	Telephone call	GQ called BM, no answer. BM subsequently texted GQ.

James Conway & Brendan Mitchell	17/01/2025	In person	JF had an onsite meeting with the landowner and Brendan where they told me their new list of requests
Niall Sudway	21/01/2025	Telephone call	GQ spoke with NS who confirmed he was acting.
Niall Sudway	19/02/2025	Telephone call	GQ spoke with NS re negotiations.

Resources and Alternatives Considered

25. I am satisfied that sufficient resources are available to finance the proposed acquisition of these permanent wayleaves and rights of way, and the implementation of the Kildavin Wastewater Treatment Plant Upgrade.

26. An outline of the alternatives include:

- a) Pumping directly to the River Slaney outfall through private land and the Kildavin Quarry
- b) Pumping partly through the local roads then through private land and the Kildavin Quarry.
- c) Pumping directly to the River Slaney outfall through private land and the R724 and L2027 local roads.

These were considered through the Route Selection Report in several options, however the selected option interacted with the fewest landowners and makes use of existing road infrastructure.

27. I am satisfied that all reasonable alternatives as outlined above and in the enclosed "Kildavin Route Selection Report" of Jacobs dated June 2023 have been fully considered and are not demonstrably preferable and that these lands, permanent wayleaves, and permanent rights of way are necessary for the Kildavin Wastewater Treatment Plant Upgrade and are suitable for the purpose for which they are required.

Regulatory Compliance

28. Having consulted with the Uisce Éireann's 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:

- a) Proper Planning and Sustainable Development
- b) 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.

- c) 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.
- d) 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.
- e) 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.
- f) 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

- 29. 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.
- 30. Accordingly, it is recommended that Uisce Éireann make the Uisce Éireann Compulsory Purchase (Kildavin Wastewater Treatment Plant Upgrade Project) Order, 2025.

Dated this 1st day of April 2025

SIGNED:



David Shalloo, Chartered Engineer

Portfolio Manager (Delivery), Uisce Éireann

Documents Enclosed with This Report

1. Overview Drawing of Scheme
2. Compulsory Purchase Order Drawings: -
 - a) UE/1005345/CPO/0001
 - b) UE/1005345/CROW/0001
 - c) UE/1005345/CTWA/0001
 - d) UE/1005345/CWL/0001
3. Route and Site Selection Report of Jacobs Engineering Ireland dated June 2023
4. Planning Report of Jacobs Engineering Ireland dated November 2024

Schedule