

COMPULSORY ACQUISITION OF LANDS AND RIGHTS OVER LAND

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

ENGINEERS REPORT

To: Chief Executive Officer, Uisce Éireann

Date: May 2025

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Purpose of Report

1. The purpose of this report is to recommend to the Chief Executive Officer the making of the proposed Uisce Éireann Compulsory Purchase (Kilsheelan Wastewater Treatment Plant Upgrade) Order, 2025.
2. The Order is required for the purposes of Uisce Éireann's advancing the Kilsheelan Wastewater Treatment Plant Upgrade ("the Project") which is included in the Uisce Éireann's current Capital Investment Plan.

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 Kilsheelan Wastewater Treatment Plant Upgrade 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. The existing Kilsheelan Wastewater Treatment Plant primarily comprises of inlet works, inlet pumping station, two package plant units that provide biological treatment and a sludge holding tank. The plant was commissioned in 1998 and has received specific upgrades in the intervening period. The plant currently operates under a Wastewater Discharge Licence (WWDL) Licence No. D0452-01 issued on 12/10/2011, with a Technical Amendment issued on 03/07/2014. Approximately 200 m southwest of the wastewater treatment plant site there is a septic tank which services the Poll an Choire housing estate. Effluent from this septic tank is discharged to the River Suir.
6. The project aims to provide appropriate treatment for wastewater from the Kilsheelan agglomeration through the upgrade of the existing wastewater treatment plant. The project will also redirect the load from the Poll an Choire estate to the Kilsheelan Wastewater Treatment Plant to eliminate the secondary discharge from the septic tank. Additionally, the project will ensure that there is adequate wastewater treatment capacity to facilitate the growth and development of the Kilsheelan agglomeration. As part of the upgrade, the existing stormwater overflow (SWO) will also be brought into compliance, further enhancing the overall performance of the wastewater treatment plant.

Description of the Scheme & Public Interest

7. Generally, the scheme consists of an upgraded wastewater treatment plant, on an expanded site, to cater for the 25-year design horizon of the agglomeration. The wastewater treatment plant upgrade will include:
 - new inlet works;
 - decommissioning the existing Storm Water Overflow (SWO);
 - an upgrade of existing secondary treatment process;
 - upsizing of sections of the inlet and outlet pipes;
 - a new interprocess pumping station;
 - a new storm water management system, including a storm tank and associated infrastructure;
 - provision of a new above ground sludge storage tank;
 - a new gravity pipeline;
 - the decommissioning and demolishing of the existing septic tank currently serving the Poll an Choire estate;
 - material widening of an existing entrance and a new access road;
 - an upgrade of the existing control building, which will include a rainwater harvesting system;
 - the construction of a new welfare building;
 - Ancillary Mechanical Electrical Instrumentation Control and Automation (MEICA) works;
 - the relocation of some existing infrastructure;
 - the installation of a ground mounted solar photovoltaic (PV) array;
 - associated ancillary works including siteworks.
8. The main objectives of the project are as follows: -
 - upgrade the existing Kilsheelan Wastewater Treatment Plant and provide adequate treatment to ensure the discharge contributes towards achieving at least “good status” in the receiving water body.
 - provide new stormwater storage to reduce the number of stormwater overflow events during high rainfall periods, thereby protecting the receiving water body.
 - provide an upgraded SWO to reduce untreated discharges, further protecting the receiving water body.
 - redirect the collected load from the Poll an Choire estate to the Kilsheelan Wastewater Treatment Plant, thereby secondary discharge from the existing septic tank.

History of Scheme Development and Statutory Processes

9. In addition, the need for Kilsheelan Wastewater Treatment Plant Upgrade, is required to comply with European, national, regional and local strategic planning policies and legislative documents including, inter alia, the Urban Wastewater Directive (UWWTD), Water Framework Directive (WFD), Surface Water Regulations, Energy Efficiency Directive, 2030 Climate and Energy Framework, National Development Plan, Water Services Policy Statement and Uisce Éireann’s Water Service’s Strategic Plan (WSSP).
10. The project is required to comply with the above to ensure that appropriate treatment is provided to the Kilsheelan agglomeration, in turn assisting in the receiving waters to achieve

compliance with the standards defined in the Surface Water Regulations. Additionally, the project works are in line with relevant provisions of planning policy and will support the realisation of numerous strategies and objectives included therein. These are discussed in detail in the Kilsheelan Wastewater Treatment Plant Upgrade Planning Report.

The Need for these Lands

11. To facilitate the construction of some elements of the scheme, namely the storm management system including a storm tank and associated infrastructure, direct access road and a new welfare building at Kilsheelan Wastewater Treatment Plant. The lands are also required to facilitate the construction of a pipeline to redirect flows from Poll an Choire estate to the wastewater treatment plant.

During the preliminary design process numerous sites were examined with the current proposed site being the most feasible. However, it was determined that lands not in the ownership of Uisce Éireann would be required. These lands consisted of lands, permanent wayleaves, temporary working areas and Rights of Ways.

12. The lands, permanent wayleaves, temporary working areas and Rights of Ways required for the Kilsheelan Wastewater Treatment Plant Upgrade as it affects the Kilsheelan area (and to be included in the proposed Compulsory Purchase Order) are described in the schedules to the enclosed draft “Uisce Éireann Compulsory Purchase Order (Kilsheelan Wastewater Treatment Plant Upgrade) 2025” and are depicted in the following proposed Compulsory Purchase Order Drawings:

- UE/10053563/CPO/002

13. Attempts have been made, in the period from September 2023 to date, to acquire these lands, permanent wayleaves, temporary working areas and Rights of Ways by agreement.
14. When it was determined that it would not be possible to acquire these lands, permanent wayleaves, temporary working areas and Rights of Ways by agreement, it was decided to seek a Compulsory Purchase Order.

Alternatives Considered

15. An outline of the alternatives include:
 - A detailed site selection process, which has been completed for the Kilsheelan Wastewater Treatment Plant Upgrade project. The main elements of the process are described below:
 - An Initial Screening process was conducted on the lands within the study area to identify any lands where there could be a major obstacle to site development, which was subsequently discounted from further consideration. The initial screening process also identified the most advantageous available lands, which were then divided into distinct land parcels based on the characteristics of the lands within the parcels.

- Four distinct land parcels were brought forward to the Site Short-Listing process to identify the optimum location for the site within each land parcel, the land within the land parcel was evaluated using the seven criteria (outlined in the “Site Selection Report – Kilsheelan Wastewater Treatment Plant Upgrade”). One of the four land parcels identified through the Initial Site Screening was discounted during the Short-listing process.
- Three optimum sites, one within each distinct land parcel, were further evaluated based on four primary criteria and 20 corresponding sub-criteria (outlined in the “Site Selection Report - Kilsheelan Wastewater Treatment Plant Upgrade”).
- Following completion of the process, the most suitable site was identified for the project.

16. I am satisfied that all reasonable alternatives as outlined above and in the Site Selection Report of Ryan Hanley Ltd. dated October 2024 have been fully considered and are not demonstrably preferable and that these lands, permanent wayleaves, temporary working areas and Rights of Ways are necessary for the Kilsheelan Wastewater Treatment Plant Upgrade, and suitable for the purpose for which they are required.

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

17. The Project is not in material contravention with the provisions of and supports the policies and objectives of the following plans:

- National Planning Framework (Project Ireland 2040);
- National Development Plan 2018-2027;
- Uisce Éireann’s current Capital Investment Plan;
- Regional Spatial and Economic Strategy (RSES) Southern Regional Assembly 2020 - 2032;
- Tipperary County Development Plan 2022 – 2028;

I have read the planning report of Ryan Hanley Ltd. dated May 2025 in this regard.

Planning Status

18. The project requires planning permission, and the planning application was lodged on 9th June 2025.

Engagement with Landowners/Lessees/Occupiers

19. Engagement with Landowners/Lessees/Occupiers (landowners) began on 23 September 2023 and is outlined in the table below.

Landowner/ Occupier/ Agent	Date	Type of Contact	Comments
Tipperary County Council	23/09/2023	Telephone	Introduction to the project and explanation of need etc.
Martin Nolan	23/09/2023	In-person	House call to enquire about ownership of land required for the project.

William (Bill) Stokes	06/10/2023	In-person	Explanation of project and land required for expansion of the wastewater treatment plant.
William (Bill) Stokes	11/12/2023	In-person	Advise William (Bill) Stokes of the need for an access road along with land for expansion of the wastewater treatment plant.
William (Bill) Stokes	15/01/2024	In-person	Hand delivery of site layout map to William (Bill) Stokes.
Martin Nolan	15/01/2024	In-person	Call to advise on the project and need for upgrading the wastewater treatment plant and associated pipe work.
William (Bill) Stokes	26/01/2024	In-person	Walked the area required for the wastewater treatment plant upgrade with William (Bill) Stokes.
William (Bill) Stokes	12/02/2024	In-person	Advised William (Bill) Stokes of the required site investigations and locations of the same. Access to the lands to conduct site investigation works was refused pending compensations talks.
MSD	24/06/2024	Telephone	Call with John Nolan about the project and upgrade of pipe work on MSD land.
William (Bill) Stokes	16/07/2024	Telephone	Requesting access to conduct the site investigations. Access to the lands was denied.
Martin Nolan	16/07/2024	Telephone	Discussion on the dates for conducting site investigation works.
William (Bill) Stokes	20/09/2024	Telephone	Gavin Quinlan called William (Bill) Stokes to discuss the project.
William (Bill) Stokes	22/11/2024	Telephone	Gavin Quinlan called William (Bill) Stokes regarding the appointment of valuer.
John Fitzgerald, agent for Nolans	22/11/2024	Telephone	Gavin Quinlan called John Fitzgerald. No answer, left a message.
John Lawlor in MSD	22/11/2024	Telephone	Gavin Quinlan called John Lawlor to discuss the project.
John Lawlor in MSD	31/01/2025	Telephone	Gavin Quinlan called John Lawlor seeking a point of contact in MSD.
John Fitzgerald, agent for Nolans	28/03/2025	Telephone	Gavin Quinlan called John Fitzgerald. No answer left a message and also texted him.
Rose Quattrin in MSD	02/04/2025	Teams	Teams call with Rose Quattrin to further discuss the project and the acquisition process.
Rose Quattrin in MSD	11/04/2025	Teams	Teams call with Rose Quattrin to discuss the acquisition process.

20. Uisce Éireann's Landowner Liaison Officer (LLO), (John Daly), 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:

Introduction to Project – Issued on 18th June 2024

Introduction to Valuer – Issued on 3rd September 2024

60 Day Letter – Issued on 8th October 2024

Regulatory Compliance

21. Having consulted with the Irish Water 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 Waste Water 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 Waste Water 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

22. 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.
23. Accordingly, it is recommended that Uisce Éireann make the Uisce Éireann Compulsory Purchase (Kilsheelan Wastewater Treatment Plant Upgrade) Order, 2025.

Dated this 29th day of May 2025



SIGNED:

Paul Fallon, Chartered Engineer

Portfolio Delivery Manager, Uisce Éireann

Documents Enclosed With This Report

1. Overview Drawing of Scheme
2. Compulsory Purchase Order Drawings: -
 1. UE/10053563/CPO/002
3. Site Selection Report of Ryan Hanley Ltd. dated October 2024
4. Planning Report of Ryan Hanley Ltd. dated May 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			
<p>Uisce Éireann Colvill House 24-26 Talbot Street Dublin 1</p> <p>And</p> <p>Tipperary County Council Library Service, Clonmel Library, Emmet Street, Clonmel, Co. Tipperary E91 YW66</p>							
001	UE/10053563/CPO/002	0.103	Kilsheelan	Agricultural land	WILLIAM J. STOKES, KILSHEELAN HOUSE, KILSHEELAN, CO. TIPPERARY	Unknown	Unknown

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 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			
<p>Uisce Éireann Colvill House 24-26 Talbot Street Dublin 1</p> <p>And</p> <p>Tipperary County Council Library Service, Clonmel Library, Emmet Street, Clonmel, Co. Tipperary E91 YW66</p>							
004	UE/10053563/CPO/002	0.022	Kilsheelan	Grassed area and roadway	MCINERNEY CONSTRUCTION LIMITED, ADELPHI HOUSE, ADELPHI QUAY, WATERFORD	Unknown	Unknown

Plot Number coloured yellow 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			
<p>Uisce Éireann Colvill House 24-26 Talbot Street Dublin 1</p> <p>And</p> <p>Tipperary County Council Library Service, Clonmel Library, Emmet Street, Clonmel, Co. Tipperary E91 YW66</p>							
006	UE/10053563/CPO/002	0.030	Kilsheelan	Grassed area	MSD INTERNATIONAL GMBH, KILSHEELAN, CLONMEL, CO. TIPPERARY	Unknown	Unknown

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 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			
<p>Uisce Éireann Colvill House 24-26 Talbot Street Dublin 1</p> <p>And</p> <p>Tipperary County Council Library Service, Clonmel Library, Emmet Street, Clonmel, Co. Tipperary E91 YW66</p>							
002	UE/10053563/CPO/002	0.085	Kilsheelan	Agricultural land	WILLIAM J. STOKES, KILSHEELAN HOUSE, KILSHEELAN, CO. TIPPERARY	Unknown	Unknown

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 Kilsheelan Wastewater Treatment Plant Upgrade. 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 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			
<p>Uisce Éireann Colvill House 24-26 Talbot Street Dublin 1</p> <p>And</p> <p>Tipperary County Council Library Service, Clonmel Library, Emmet Street, Clonmel, Co. Tipperary E91 YW66</p>							
003	UE/10053563/CPO/002	0.162	Kilsheelan	Agricultural land	WILLIAM J. STOKES, KILSHEELAN HOUSE, KILSHEELAN, CO. TIPPERARY	Unknown	Unknown
005	UE/10053563/CPO/002	0.019	Kilsheelan	Grassed area and roadway	MCINERNEY CONSTRUCTION LIMITED, ADELPHI HOUSE, ADELPHI QUAY, WATERFORD	Unknown	Unknown

Plot Number coloured 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			
<p>Uisce Éireann Colvill House 24-26 Talbot Street Dublin 1</p> <p>And</p> <p>Tipperary County Council Library Service, Clonmel Library, Emmet Street, Clonmel, Co. Tipperary E91 YW66</p>							
007	UE/10053563/CPO/002	0.003	Kilsheelan	Grassed area	MSD INTERNATIONAL GMBH, KILSHEELAN, CLONMEL, CO. TIPPERARY	Unknown	Unknown
008	UE/10053563/CPO/002	0.037	Kilsheelan	Grassed area	MSD INTERNATIONAL GMBH, KILSHEELAN, CLONMEL, CO. TIPPERARY	Unknown	Unknown