

## COMPULSORY ACQUISITION OF LANDS AND RIGHTS OVER LAND

Uisce Éireann COMPULSORY PURCHASE (LEIGHLINBRIDGE TREATED WATER STORAGE) ORDER, 2025

### ENGINEERS REPORT

**To:** Chief Executive Officer, Uisce Éireann

**Date:** 01 July 2025

Purpose of Report .....	2
The Functions of Uisce Éireann .....	2
The Community Need underlying the Scheme .....	2
<u>The Existing Situation &amp; the Need for the Scheme</u> .....	2
<u>Description of the Scheme &amp; Public Interest</u> .....	3
<u>History of Scheme Development and Statutory Processes</u> .....	4
The Need for these Lands .....	4
Alternatives Considered .....	5
Works are not in Contravention of the Provisions of the Statutory Development Plan .....	5
Regulatory Compliance .....	7
Conclusion .....	7
Documents Enclosed With This Report .....	8
SCHEDULE .....	9

### **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 (Leighlinbridge Treated Water Storage) Order, 2025.
2. The Order is required for the purposes of Uisce Éireann's advancing the Leighlinbridge Treated Water Storage ("the Project") which is included in the National Water Resources Plan (NWRP).

### **The Functions of Uisce Éireann**

3. On 1<sup>st</sup> 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 Leighlinbridge Treated Water Storage 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. Leighlinbridge is a small town located in County Carlow, just off the M9. The Leighlinbridge Water Supply Zone (WSZ) contains Leighlinbridge village and its surrounding environs and supplies a population of approximately 1,522 people with drinking water, with a current average demand of 400 m<sup>3</sup>/day.
6. Water for this supply zone is drawn from two boreholes located within the site of the Leighlinbridge water treatment plant (WTP). The existing bore holes have sufficient yield to ensure security of supply.
7. The Leighlinbridge WSZ is served with potable water from the Leighlinbridge Water Treatment Plant. After abstraction of water from the boreholes, sodium hypochlorite (Chlorine) is applied

(for disinfection purposes) to the water at the WTP site, prior to the water being pumped into the distribution network.

8. The Leighlinbridge WSZ has been identified by Uisce Éireann under the Treated Water Storage Programme as having insufficient potable water storage. There is currently no potable water storage within the WSZ. As there is no storage in the WSZ, the distribution network is supplied with potable water directly from the water treatment plant via network pumps. Chlorine contact time (which is necessary to provide adequate disinfection of the water prior to consumption) is provided in the distribution network pipeline.
9. There are no alternative water supplies available to serve the WSZ.
10. As no storage exists in the WSZ and, as no alternative supplies are readily available, then there currently exists significant risk to the security of the water supply in the event of a temporary loss of supply from the water treatment plant or from the water source.
11. Uisce Éireann has predicted demand growth within the Leighlinbridge WSZ. A projected average water demand of 419 m<sup>3</sup>/day by 2044 has been defined in the National Water Resource Plan (NWRP).
12. The Carlow County Development Plan 2022-2028 identifies Leighlinbridge as a “Small Town” in the context of the settlement hierarchy for County Carlow, with a growing population that serves as a service centre for its rural hinterland.
13. It is deemed essential that a minimum of 24-hours of potable water storage is provided within the Leighlinbridge WSZ network to provide a safe, secure and sustainable source of drinking water to this network, to avoid interruptions to water supply, and to contribute towards the management of water pressure in the supply zone.

#### Description of the Scheme & Public Interest

14. Generally, the scheme consists of the development of the following works:
  - (i) A new treated water storage tank with a usable storage capacity of 608m<sup>3</sup>, a floor area of approximately 308m<sup>2</sup> and an overall height of 6.1m (5.0m without safety railings) including:
    - Dual compartment concrete tank;
    - Connection pipework;
    - Scour and overflow pipework;
    - Handrailing and access staircase.
  - (ii) A new weather-proof enclosure to house a new chlorine storage and dosing system and an associated below-ground dosing chamber.
  - (iii) A designated area for an emergency power generator, fuel storage and integral bund.
  - (iv) A new weather-proof enclosure to house a new secondary chlorination dosing system;
  - (v) 16 no. solar panels to be mounted on the new storage tank roof slab (static & southeast facing);

(vi) Ancillary works, including:

- Associated ground works;
- Footpaths and vehicle turning area;
- Below-ground dechlorination chamber;
- Mechanical and electrical service connections;
- Modifications to the existing electrical control system to support new works;
- Extension to the existing 2.4m high fence around the existing storage site, to incorporate the expanded site;
- Associated works including landscaping and measures to achieve biodiversity net gain;

15. The main objectives of the project are as follows:

The Project aims to provide security of supply to the Leighlinbridge WSZ by providing a 608m<sup>3</sup> capacity treated water storage facility adjacent to the existing Leighlinbridge WTP site as detailed above.

#### History of Scheme Development and Statutory Processes

16. In addition, the need for the Leighlinbridge Treated Water Storage is required to comply with Uisce Éireann NWRP and Regional Water Resources Plan.

#### **The Need for these Lands**

17. Lands are required to facilitate the construction of elements of the scheme, namely the treated water storage tank and associated infrastructure. During the specimen design process for the Project, numerous sites were assessed to determine their suitability to house the proposed treated water storage tank and associated infrastructure. In this regard, I refer to the attached Site Selection Report of Nicholas O'Dwyer Consulting Engineers dated March 2025. As a result of this assessment process, the current proposed location was deemed the most feasible location in which to site the proposed development.

18. It was deemed necessary to acquire lands for the purposes of the Project. These lands consisted of a permanent acquisition of land and a temporary working area. I refer to the attached Site Selection Report of Nicholas O'Dwyer Consulting Engineers dated March 2025.

19. The land and temporary working area required for the Leighlinbridge Treated Water Storage project (and to be included in the proposed Compulsory Purchase Order) are described in the schedules to the enclosed draft "Uisce Éireann Compulsory Purchase Order (Leighlinbridge Treated Water Storage) 2025" and are depicted in the following proposed Compulsory Purchase Order drawing:

- UE/10019569/CPO/0001

20. Attempts have been made, in the period from April 2019 to date, to acquire these lands and temporary working area by agreement.

21. When it was determined that it would not be possible to acquire these lands and temporary working area by agreement, it was decided to seek a Compulsory Purchase Order.

#### **Alternatives Considered**

22. For permanent land acquisition and temporary working area the following options were considered, as detailed in the Site Selection Report prepared by Nicholas O'Dwyer Ltd dated March 2025. The adjacent lands around the existing WTP site were considered for the purposes of permanent land acquisition and the temporary works area. Out of the five (5) sites considered, one of the sites, which can be accessed through the existing WTP access/egress, was considered as the optimum site. Based on the desktop study and assessments as stated in the Site Selection Report, the preferred site for the proposed treated water storage tank and associated infrastructure and temporary working area is located along the southern boundary of the existing WTP and shares its boundary.
23. I am satisfied that all reasonable alternatives, as outlined above and in the attached Site Selection Report of Nicholas O'Dwyer Consulting Engineers dated March 2025, have been fully considered and are not demonstrably preferable and that these lands and temporary working areas are necessary for the Leighlinbridge Treated Water Storage Project and are suitable for the purpose for which they are required.

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

24. The proposed Works are in full compliance with Carlow County Development Plans and Local Area Plans as detailed in the Planning Reports attached. Please refer to Planning Report of Nicholas O'Dwyer Consulting Engineers dated January 2025, attached.

#### **Planning Status**

25. A planning application for the proposed development has been submitted to Carlow Co. Council on 16<sup>th</sup> May 2025. Prior to submission of the planning application, a pre-planning consultation was held with Carlow Co. Council on 19<sup>th</sup> November 2024. At the pre-planning stage, Carlow County Council confirmed that they have no objection to the principle of the proposed development.

#### **Engagement with Landowners/Lessees/Occupiers**

26. Engagement with Landowners/Lessees/Occupiers (landowners) began on 9<sup>th</sup> April 2019 and details of these engagements are outlined in the table below.

<b>Landowner/ Occupier/ Agent</b>	<b>Date</b>	<b>Type of Contact</b>	<b>Comments</b>
Andrew Lennon	09/04/2019	House Call	Brief discussion re. need for land acquisition and project description between Carlow Co. Co. rep. Padraig Lyng and Mr. Lennon.
Andrew Lennon	06/12/2022	House Call	Intro. to Uisce Éireann Landowner Liaison Officer John Fanning

			and discussion re. need for proposed reservoir cell project and land acquisition requirements. The Landowner conveyed his discontent for the project.
Mr. & Mrs. Andrew Lennon	09/01/2023	House Call	Landowner Liaison Officer (LLO) met with Landowner (LOs) to discuss: 1. Potential to relocate the proposed reservoir to the adjacent field (also within the Landowners ownership) between the river and the Regional Road. The Landowner confirmed during the discussion that this was not an option. 2. Burying the proposed reservoir cell at the original proposed location adjacent to the WTP. UE confirmed that burying the reservoir cell was not an option due to the high-water table and potential flooding risks. Both options were discarded.

27. Uisce Éireann's Landowner Liaison Officer (LLO) John Fanning 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). Uisce Éireann's Valuer Chris Boyle has also had a number of phone call discussions with the Landowner. 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 14/02/2023.
- Introduction to Valuer – Issued on 01/03/2023.
- 60 Day Letter – Issued on 05/12/2023.

## Regulatory Compliance

28. 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
- 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 waste water, 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 (Leighlinbridge Treated Water Storage) Order, 2025.

Dated this 01 day of July 2025

*Declan Diamond*

SIGNED: \_\_\_\_\_

**(Declan Diamond)**

**Declan Diamond, Portfolio Manager, Uisce Éireann**

**Documents Enclosed With This Report**

1. Overview Drawing of Scheme
  - UÉ/10019569/001
2. Compulsory Purchase Order Drawings:  
UE/10019569/CPO/0001
3. Site Selection Report of Nicholas O'Dwyer Consulting Engineers dated March 2025
4. Planning Report of Nicholas O'Dwyer Consulting Engineers dated January 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 Carlow County Council, Muine Bheag Library, Main Street, Muine Bheag, Co. Carlow</p>							
002	UÉ/10019569/CPO/0001	0.1883	Ballynolan, Old Leighlin	Agricultural land	Andrew Lennon, Ballynolan, Old Leighlin, R93 AX61, Co. Carlow	N/A	N/A

**PART 2 – PERMANENT WAYLEAVE**  
**Not Applicable**

**PART 3 – PERMANENT RIGHT OF WAY**  
**Not Applicable**

## **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 Leighlinbridge Treated Water Storage. Such rights include the right to do anything reasonably necessary for or ancillary or incidental to the construction of the structures and the 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>Carlow County Council, Muine Bheag Library, Main Street, Muine Bheag, Co. Carlow</p>							
001	UÉ/10019569/CPO/0001	0.1271	Ballynolan, Old Leighlin	Agricultural land	Andrew Lennon, Ballynolan, Old Leighlin, R93 AX61, Co. Carlow	N/A	N/A