

## COMPULSORY ACQUISITION OF LANDS AND RIGHTS OVER LAND

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

### **ENGINEER'S REPORT**

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

**Date: June 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 (Portlaoise Wastewater Treatment Plant Upgrade) Order, 2025.
2. The Order is required for the purposes of Uisce Éireann's advancing the Portlaoise Wastewater Treatment Plant Upgrade ("the Project") which is included in Uisce Éireann's Water Services Strategic Plan 2050.

## **The Functions of Uisce Éireann (previously Irish Water)**

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 (previously Irish Water) by section 7(1) of the Water Services (No 2) Act 2013. Consequently, Uisce Éireann (previously Irish Water) 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 (previously Irish Water) 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 (previously Irish Water) adoption and carrying into effect of the Portlaoise Wastewater Treatment Plant Upgrade and to the proposed Compulsory Purchase Order.
4. As a Water Services Authority, Uisce Éireann (previously Irish Water) 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 Portlaoise Wastewater Treatment Plant (WwTP) is located along Ridge Road to the north of Portlaoise, Co. Laois adjacent to the River Triogue. The plant is owned by Uisce Éireann, it is operated and maintained on behalf of Uisce Éireann by a contractor under a 20-year Operation Service Contract.
6. The Portlaoise WwTP receives flows from the Portlaoise catchment and consists primarily of domestic wastewater, with a small commercial and industrial component. The WwTP is currently compliant with the Emission Limit Values set out in the Wastewater Discharge Licence, as the WwTP is currently operating within its design capacity. However, as the population is growing rapidly within the Portlaoise catchment, the WwTP is forecast to be

over-loaded in the short term. The risk of non-compliance will increase due to the additional pressures placed on the treatment capacity. In addition, it is expected that the Emission Limit Values will become more stringent in the future given the poor assimilative capacity of the receiving water body, the River Triogue. This means that a higher level of treatment will be required to ensure removal of the pollutants and nutrients and to meet the required discharge standards.

#### Description of the Scheme & Public Interest

7. Portlaoise is identified as a Key Town in the Regional Spatial and Economic Strategy for the Eastern and Midlands Region (2019-2031). Key Towns are defined as *large economically active service and/or county towns that provide employment for their surrounding areas and with high-quality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres*.
8. Portlaoise Town has witnessed significant growth in the last 20 years and the population of the town is projected to continue to grow, to almost 24,000 in the Portlaoise Local Area Plan 2024-2030, and beyond that at similar growth rates.
9. Generally, the project consists of the upgrading and expansion of the Portlaoise Wastewater Treatment Plant to meet future requirements, both in terms of capacity to provide for the growth of Portlaoise, and also in terms of the future need to achieve higher discharge standards to protect water quality in the River Triogue.
10. Following the proposed upgrade of the plant, it will be able to cater for wastewater flows from Portlaoise up to the year 2051. The capacity of the upgraded plant will be 45,480 population equivalent (PE).
11. The main objectives of the project are as follows:
  - To provide adequate treatment capacity to facilitate the continued economic growth of Portlaoise for the next 25 years.
  - To improve the standard of wastewater treatment prior to discharge to the River Triogue, in order to meet the requirements of the Water Framework Directive.

#### History of Scheme Development and Statutory Processes

12. The Portlaoise WwTP was originally constructed and commissioned in 1980 and was upgraded in 2009 to bring the treatment capacity of the plant up to 39,000 population equivalent (PE). The wastewater treatment process consists of inlet screening and grit removal, biological reactors (anoxic and aeration tanks) to facilitate nitrogen removal, chemical dosing for phosphorous removal, secondary settlement/clarification, and tertiary filtration.

The upgraded plant will be designed to meet the requirements of the Water Framework Directive. The Water Framework Directive 2000/60/EC (WFD) provides the European Union legislative framework for the protection of all waters including rivers, lakes, estuaries, coastal

waters and groundwater, and their dependent wildlife and habitats across Europe. The WFD sets objectives to reduce the discharge of pollutants to waters, to prevent deterioration in water quality and achieve 'Good Status' in all waters over time.

13. In the Republic of Ireland, the Urban Waste Water Treatment Regulations 2001-2010 ('the Regulations') set requirements on the provision of waste water collection systems and treatment plants, provide for the monitoring of waste water discharges and specify limits for certain parameters in the discharges.
14. Uisce Éireann's Water Services Strategic Plan (WSSP) sets out Uisce Éireann's strategic objectives for the delivery of water services to ensure the availability of safe drinking water, an environment that is protected from the impacts of wastewater discharges, and efficient modern systems that meet the needs of customers, contribute to economic growth and development, and provide value for money.
15. The upgrading of the wastewater treatment plant at Portlaoise will support Objective 5 of the WSPP (Provide Effective Management of Wastewater). One of the aims of that Strategy (WW2d) requires the identification and management of critical wastewater assets. Due to the projected lack of capacity at the existing plant, Portlaoise has been identified as a *critical asset* under this heading.
16. Currently, Uisce Éireann's Water Services Strategic Plan 2050 (WSSP2050) is in consultation phase. WSSP2050 presents Uisce Éireann's objectives for the next 25 years and the means by which they will achieve them. The new WSSP 2050 will be an important strategic document that will focus on the provision of safe drinking water and ensure that the environment is protected from the impacts of wastewater discharges. It will also ensure that they have efficient and sustainable modern systems that meet the needs of customers, contribute to economic growth and development, and provide value for money.
17. The upgrading of Portlaoise WwTP is required in order to comply with the above strategic aims, and legislative and statutory requirements.

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

18. The lands in question are required for the following reasons:
  - a. To facilitate the construction of elements of the scheme, namely additional process units at the wastewater treatment plant.
  - b. To regularise the ownership of areas of the current wastewater treatment plant that are either in the ownership of Laois County Council, are registered to a private individual, or are currently unregistered.
  - c. To regularise the ownership of areas of the access road between Ridge Road and the wastewater treatment plant site. A part of the access road is currently in the ownership of Laois County Council, while another part is registered to a private individual.
19. During the preliminary design process a number of sites were examined to facilitate the expansion of the wastewater treatment plant, with the current proposed plans being the most feasible, and it was determined that lands not in the ownership of Uisce Éireann would be required. These lands consisted of agricultural lands to the west of the current plant. In this

regard I refer to the attached Site Selection Report of TOBIN McAdam Wood Consulting Engineers dated October 2023.

20. The lands required for the **Portlaoise Wastewater Treatment Plant Upgrade** project as it affects the 5.094 hectares (and to be included in the proposed Compulsory Purchase Order) are described in the schedules to the enclosed draft “Uisce Éireann Compulsory Purchase (Portlaoise Wastewater Treatment Plant Upgrade) Order 2025” and are depicted in the following proposed Compulsory Purchase Order Drawings:

- UÉ/10016932/CPO/001
- UÉ/10016932/CACQ/001
- UÉ/10016932/CACQ/002
- UÉ/10016932/CACQ/003
- UÉ/10016932/CACQ/004
- UÉ/10016932/CROW/005
- UÉ/10016932/CROW/006
- UÉ/10016932/CROW/007

21. Attempts have been made, in the period from November 2023 to date, to acquire these lands by agreement.

22. When it was determined that it would not be possible to acquire these lands by agreement, it was decided to seek a Compulsory Purchase Order.

#### **Alternatives Considered**

23. Alternatives considered include:

- **Do Nothing.** This would not meet the project objectives and was discounted.
- **Minimal Intervention.** This would also not meet the project objectives and was discounted.
- **Pump Away Raw Wastewater.** The possibility of transferring untreated wastewater to another location for treatment elsewhere was examined but was discounted on environmental and economic grounds.
- **Pump Away Treated Wastewater.** The possibility of partially treating wastewater at the current site and transferring partially treated wastewater to a receiving water with higher assimilative capacity was examined but was discounted on environmental and economic grounds.
- **Upgrade Existing WwTP.** This is the favoured option, on both environmental and economic grounds, and requires the expansion of the current WwTP.

24. I am satisfied that all reasonable alternatives as outlined above and in the attached Site Selection Report of TMW Consulting Engineers dated October 2023 have been fully considered and are not demonstrably preferable and that these lands are necessary for the Portlaoise Wastewater Treatment Plant Upgrade, are suitable for the purpose for which they are required.

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

25. The lands that are the subject of this CPO are zoned as *transport and utilities* in the Portlaoise Local Area Plan 2024-2030, as shown in brown on the image below.



26. The upgrading of the Portlaoise WwTP on the lands that are the subject of this CPO is therefore consistent with the land use zoning set out in the Portlaoise Local Area Plan 2024-2030. This is discussed in more detail in the accompanying Planning Report.
27. Policy Objective 14 of the Laois County Development Plan 2021 – 2027 is to support and facilitate social and economic growth in line with National, Regional and Local spatial planning policy and the Core Strategy in Chapter 2 of this plan through the following actions:
- Measure 1: Facilitate Growth: Wastewater Growth Programme:
    - Upgrade to the Portlaoise WWTP – phase 1 as proposed in the Feasibility Study.
    - Roll-out agreed priorities for IWs Small Towns and Villages Growth Programme 2020 to 2024 and subsequent Programmes.

The upgrading of the Portlaoise WwTP is consistent with the policy objectives set out in the *Laois County Development Plan 2021–2027*.

## Planning Status

28. This project currently does not have planning permission. Uisce Éireann applied for planning permission for the proposed development in May 2025. The planning status of these lands is discussed in more details in the accompanying Planning Report.

## Engagement with Landowners/Lessees/Occupiers

29. Engagement with Landowner began in November 2023 and has continued to the present time. Uisce Éireann's (UE) Landowner Liaison Officer (LLO) Liam Maher of Avison Young (AY) introduced the project in person and acted as the point of contact for the landowner (LO) for any queries related to the project (not related to compensation) and followed by multiple engagements with the landowner and their solicitors by phone, email and in person. 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 07 March 2024

Introduction to Valuer – Issued on 26 March 2024

60 Day Letter – Issued on 25 July 2024

## Regulatory Compliance

30. 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:
- Proper Planning and Sustainable Development.
    - The project is consistent with the land use zoning set out in the *Portlaoise Local Area Plan 2024-2030*
    - The project is consistent with the policy objectives set out in the *Laois County Development Plan 2021–2027*.
  - Directive 91/271/EEC (The Urban Waste Water Treatment Directive), and the Urban Waste Water Treatment Regulations 2001-2010, which set minimum standards for collection systems, wastewater treatment plants and discharge of treated wastewater back to water bodies, in order 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.
  - 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's Water Services Strategic Plan 2015. The project advances and/or is consistent with the following objectives of the Plan:
  - Objective 5 Provide Effective Management of Wastewater
  - Objective 6 Protect and Enhance the Environment
  - Objective 7 Support Social and Economic Growth

## Conclusion

31. 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.
32. Accordingly, it is recommended that Uisce Éireann make the Uisce Éireann Compulsory Purchase (Portlaoise Wastewater Treatment Plant Upgrade) Order, 2025.

Dated this 17 day of July 2025

SIGNED:



**Michael Tinsley, Chartered Engineer**

**Senior Portfolio Manager, Uisce Éireann**

## Documents Enclosed with This Report

1. Compulsory Purchase Order Deposit Drawing:
  - a. UÉ/10016932/CPO/001
2. Compulsory Purchase Order Schedule Drawings:
  - a. UÉ/10016932/CACQ/001
  - b. UÉ/10016932/CACQ/002
  - c. UÉ/10016932/CACQ/003
  - d. UÉ/10016932/CACQ/004
  - e. UÉ/10016932/CRoW/005
  - f. UÉ/10016932/CRoW/006
  - g. UÉ/10016932/CRoW/007
3. Site Selection Report of TMW dated October 2023
4. Planning Report of TMW dated March 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			
Uisce Éireann Colvill House 24-26 Talbot Street Dublin 1  And  Portlaoise Library, 23 Lower Main Street,							

Portlaoise, Co. Laois, R32 N7EP							
001	UE/10016932/CPO/001	1.833	Maryborough	Agricultural	Legal Personal Representative of Elizabeth Phelan Greenroad, Portlaoise Co. Laois c/o Ger Phelan	N/A	N/A
002	UE/10016932/CPO/001	0.049	Maryborough	Existing Wastewater Treatment Plant Site	Laois County Council, Áras an Chontae, Portlaoise, Co. Laois	N/A	N/A
003	UE/10016932/CPO/001	3.047	Maryborough	Existing Wastewater Treatment Plant Site	Laois County Council, Áras an Chontae, Portlaoise, Co. Laois	N/A	Uisce Éireann, Colvill House, 24-26 Talbot Street, Dublin
004	UE/10016932/CPO/001	0.052	Maryborough	Existing Wastewater Treatment Plant Site	Legal Personal Representative of Elizabeth Phelan Greenroad, Portlaoise Co. Laois c/o Ger Phelan	N/A	Uisce Éireann, Colvill House, 24-26 Talbot Street, Dublin

## **PART 2 – PERMANENT WAYLEAVE**

**Not Applicable**

## **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</p> <p>Colvill House</p> <p>24-26 Talbot Street</p> <p>Dublin 1</p> <p>And</p> <p>Portlaoise Library,23 Lower Main Street, Portlaoise, Co. Laois, R32 N7EP</p>							
005	UE/10016932/CPO/001	0.035	Maryborough	Existing Wastewater	Unknown	Unknown	Unknown

				Treatment Plant Site Entrance			
006	UE/10016932/CPO/001	0.048	Maryborough	Existing Wastewater Treatment Plant Site Entrance	Laois County Council, Áras an Chontae, Portlaoise, Co. Laois	N/A	N/A
007	UE/10016932/CPO/001	0.030	Maryborough	Existing Wastewater Treatment Plant Site Entrance	Legal Personal Representative of Elizabeth Phelan Greenroad, Portlaoise Co. Laois c/o Ger Phelan	N/A	N/A

#### PART 4 – TEMPORARY WORKING AREA

Not Applicable

