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**Attachments:**

UE Adare Ned Houlihan oral hearing 180226.pdf

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**From:** John Dore <john.dore421@gmail.com>**Sent:** Wednesday, February 18, 2026 4:39 PM**To:** Aisling Reilly <A.Reilly@pleanala.ie>; Caitriona Leahy <cleahy@fba.ie>; ned houlihan <hmsltd09@gmail.com>**Subject:** Re: FW: Oral Hearing on Case Reference Number ACP- 323891-25

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Hi Aisling,

Please find a copy of the evidence I presented to the Oral Hearing this morning. It may be of assistance to the Inspector,

thank you,  
JD

On Tue, Feb 17, 2026 at 3:20 PM Caitriona Leahy <[cleahy@fba.ie](mailto:cleahy@fba.ie)> wrote:

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**From:** Aisling Reilly <[A.Reilly@pleanala.ie](mailto:A.Reilly@pleanala.ie)>**Sent:** Tuesday 17 February 2026 15:05**Subject:** Oral Hearing on Case Reference Number ACP- 323891-25

Hi,

Please accept this invitation from An Coimisiún Pleanála to attend the Oral Hearing on Case Reference Number ACP- 323891-25.

Your link to the hearing is contained at the end of this email. Please note the start time of 10.00am on Wednesday, 18<sup>th</sup> February, 2026.

Your attention is drawn to the [agenda](#) on the Commission's website. If you are scheduled to speak, you should note the time slot you have been allocated and we request that you adhere to the following guidelines to ensure the smooth running of the hearing:

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- Begin by stating your name for the record.
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- We will not be using the chat function or looking at any messages left there. If you have any queries, please email [a.reilly@pleanala.ie](mailto:a.reilly@pleanala.ie) or [oralhearing@pleanala.ie](mailto:oralhearing@pleanala.ie).

For those joining to view proceedings:

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If you have any further technical queries or require further assistance, please contact [oralhearing@pleanala.ie](mailto:oralhearing@pleanala.ie).

[Click Here to Join the Oral Hearing](#)

Kind regards,

Aisling

Aisling Reilly  
Executive Officer

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**Tabhair faoi deara led thoil:** aon tuairimí nochtaithe san ríomhphost seo is iad tuairimí an tseoltóra féin agus níl sé intuigthe gurb iad tuairimí An Coimisiún Pleanála nó go gcloíonn siad le polasaithe ráite An Coimisiún.

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ACP ORAL HEARING (ONLINE)  
CPO UE ADARE RATIONALISATION SCHEME

EVIDENCE PRESENTED BY JOHN DORE  
FBA CONSULTANTS

FOR

MR. NED HOULIHAN (OBJECTOR)

18<sup>TH</sup> FEBRUARY 2026

My name is John Dore. I am an Agricultural and Environmental Consultant with FBA Consultants, Fermoy, Co. Cork. I appear today together with Mr. Bill Hutch of Hutch O'Malley Consulting Engineers, on behalf of the objector, Mr. Ned Houlihan. At the outset, we wish to thank ACP for convening this Oral Hearing. However, we must formally state that we are not as well prepared as we ought to be due to the very late receipt of critical information that had been requested several months ago. We received initial documentation only nine days ago, and we received UE's responses to our objections as late as yesterday morning. This has significantly limited our ability to properly review, assess and respond to this material.

Mr. Houlihan owns and farms a 46-hectare holding at Castleroberts, Adare, Co. Limerick, together with his son. The holding comprises of top quality land, road frontage, river frontage to the river Maigue and a period demesne and farm buildings. His son is a qualified farmer and intends to commence dairy farming in the immediate future.

UE seeks to compulsorily acquire a permanent wayleave of 0.0657 hectares over Mr. Houlihan's lands, install approximately 270 metres of underground water pipeline through his agricultural land, his roadbed and his riverbed, and retain a permanent wayleave for ongoing maintenance. In addition, UE proposes to temporarily acquire 0.461 hectares of roadside land as a working area. An observation and query arises in respect of the extent of lands included within the CPO. Mr. Houlihan's roadbed and riverbed are not included within the CPO whereas in a typical road scheme CPO such interests would be included. Given that the proposed works involve the laying of pipeline through both the roadbed and the riverbed, clarification is required as to whether these interests are in fact being acquired and, if not, on what legal basis the works are proposed to be carried out. It is also necessary to understand why the extent of acquisition in this case differs from what would normally be included in a road scheme CPO. This raises a further question as to whether the Order accurately reflects the full extent of the lands and interests required to facilitate the proposed development. The proposed permanent wayleave is located in what is considered to be the most favourable corner of the holding for a residential site because of its road frontage, river amenity and because it allows minimal interference with the farming operation. Mr. Houlihan's son intends to construct a dwelling on this site. The proposed wayleave would significantly compromise that opportunity.

The objector's primary concern is straightforward. He does not understand why the proposed pipeline cannot be located on the opposite side of the road, where UE's existing operations are already situated and where the new approach pipework for a proposed river crossing has also already been installed. It would appear logical and reasonable that the scheme be contained entirely on that side, thereby avoiding encroachment onto the objector's lands. Another alternative is that the pipeline could be confined to the public roadway and positioned beneath or attached to the bridge. Accordingly, we respectfully request that An Coimisiún Pleanála declines to confirm the CPO in its current form and instead require relocation of the pipeline either to the opposite side of the road or within the public roadway. Such an approach would achieve the objectives of the scheme without unnecessary interference with the objector's holding.

To support our request we intend to respond to the responses received from UE to our objections, highlight issues with the CPO application and to suggest reasons why it is preferential to relocate the river crossing away from the objector's holding.

# Objections and responses

1. “The objector is opposed to the proposed route of the scheme and requests that it be relocated to the opposite side of the public road from his holding. This alignment would place the entire scheme on the same side as the existing treatment plant. The proposed route requires two road crossings and has at least three right angle joints which compromise pressure and are more prone to leaks. The proposed route has a greater cumulative impact on the three affected adjacent holdings at his location. The requested route therefore represents the more logical and appropriate route”.

Response

A. The ‘proposed route’ as provided for in Fig 1 of the Letter of Objection does not reflect the proposed route of Uisce Éireann. The objector shows the route located in the land across the road from his land before crossing the road and entering his land. This is inaccurate. The designed route is within the public road and enters private land either side of the river crossing.

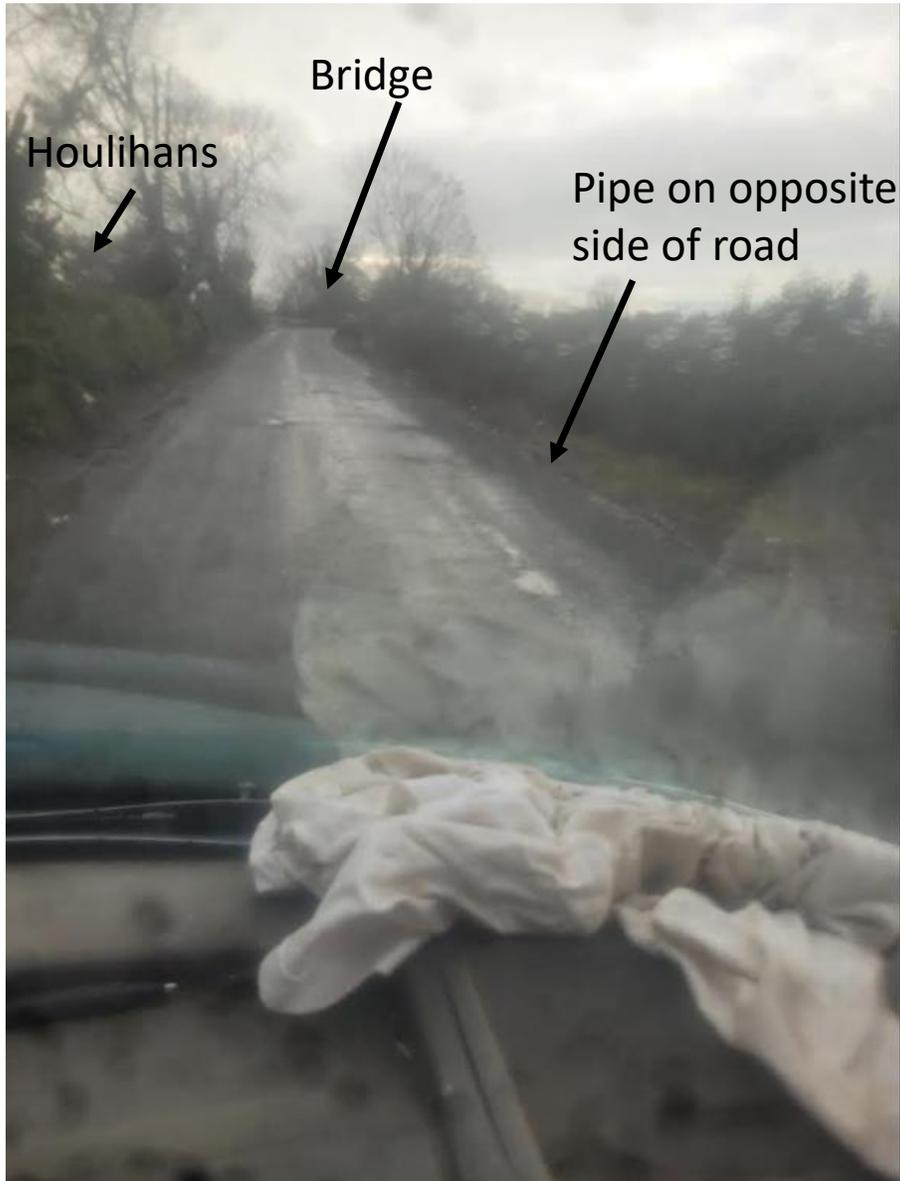
B. The length of the proposed route shown in Fig 1 of the Letter of Objection does not accurately reflect the temporary working area to accommodate the pipe string. The CPO drawing UE/10051295/CWL/0002 shows the extents of the route in question.

C. The objector refers to two road crossings and three right angles. The designed route incorporates the industry standard construction methodology for crossing rivers. The number of right angles incorporated in the design are standard for such a crossing.

D. The proposed route follows the public roadway for the entirety of the project, except at the river crossing. Construction works within the public road are included in the project scope. Therefore, the objector’s reference to the number of road crossings is incorrect and not valid. E. The objectors “requested” route shows the water main connecting to the Adare Water Treatment Plant. The proposed route will carry the supply of water from Castletroy Newcastle Towers in Limerick to Adare Reservoir via the Croom Tie-in. The Water Treatment plant will ultimately be bypassed. The Water Treatment Plant will remain in operation during construction of the proposed watermain and will continue to supply the Adare Network until the Adare Rationalisation project is commissioned.

We did not have any documentation or drawings to work on at the time the CPO was issued save for the CPO map issued. The objector requested such information but we did not receive any until 9/2/26

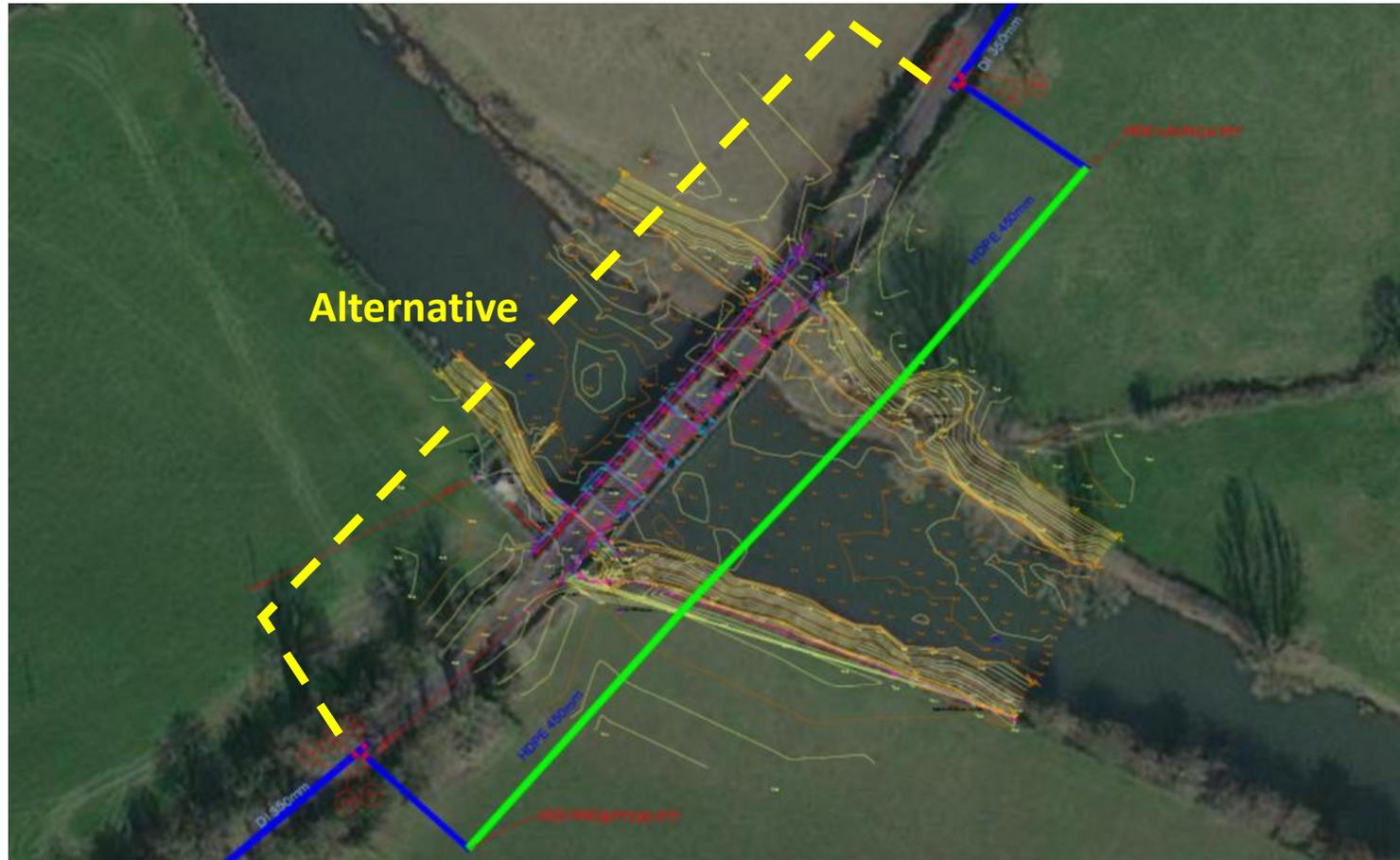
The drawing on the CPO planning report received does not match the works that have already been conducted



Pipe is on objectors side of the road in drawing – there are no road crossings visible?

## Route selection report

It is not clear as to when, why and how the route of the river crossing was selected. Now that we have drawings here is a suggested alternative crossing for the opposite side of the road



2. “The objector has protested to representatives of the project team in relation to this matter and the principal explanation given for the selection of the proposed route is the lack of awareness of the location of the existing suction pipe. This is not a plausible explanation. The location is clearly marked on the relevant folio map”

Response

A. The proposed route location is the optimum engineering solution for the river crossing. There are a number of constraints on the Adare WTP side of the road, including, inter alia,:

i. Health and Safety Challenges Overhead electrical lines bringing power to the boreholes at the river are located on the Adare WTP side of the road. These overhead live electrical lines are health and safety concerns during construction. This health and safety risk is not present on the opposite side of the road. There are telecom wires on the objectors’ side of the road but these do not pose a safety risk compared to the overhead electrical lines. Under the General Principles of Prevention regarding safety, the first step in risk elimination and reduction is avoidance. In this case, locating the river crossing as designed would be the preferred option. Where the risk cannot be avoided (working under or near power lines), the risk is evaluated. In this case, is there a likelihood of striking the live electrical power lines. The next step is combating the risk at source. In this case, turning off the power would result in an outage of water supply to Adare WTP and subsequent outage to the Adare water supply network. Overall the preferred option in regard to safety is to keep to the designed route.

ii. The risk to the existing Adare water supply. The live electrical power lines provide power to the current Adare raw water source at the river. If the power lines are damaged that would result in an outage to the supply of water to the network causing extensive inconvenience to the local Adare network. It is correct that there is an existing suction pipe to the WTP on the opposite side of the road to the Objector’s land. Construction of the pipeline on the opposite side of the road would require this suction pipe, being existing infrastructure, to be crossed. This suction pipe will remain in operation until the Adare Rationalisation is commissioned. Damage to this pipe or other infrastructure during construction would result in an outage to the supply of water to the network. This is another constraint which is not applicable on the opposite side of the road.

A trenchless crossing (as per the alternative suggested above) eliminates both the cables and water pipe risk.

This practice is proposed to be adopted to avoid even larger power lines on UE’s major Water Supply Project from the Shannon to Dublin.

3. “the objector has been advised that he will lose a residential site for his son at the most favourable location on his holding”

Response

A. There is no current planning application submitted for a development at this location. In terms of the development potential of the lands, they are unzoned and lie outside of the boundaries of the Adare Local Area Plan. Were an application to be made to Limerick City and County Council for a rural dwelling, it would need to demonstrate that the site was appropriate. Key considerations of note in this regard including potential flooding constraints for residential development and site suitability for wastewater treatment.

B. Without prejudice to the foregoing, of the 1.0 acre proposed site, only 0.1623 acres is proposed as a permanent wayleave within the CPO. There are potentially other locations on the objectors identified 1.0acre proposed site with road frontage away from the river.

This is a matter for compensation and is not expected to be dealt with at this hearing – Our position is that this site is completely compromised.

4. The objector has not seen any environmental assessment for the proposed scheme even though he requested a copy on two occasions. He is aware that the river Maigue is protected and is concerned that the impact should be assessed accordingly. He is advised that the river at his side of Castleroberts bridge may be more ecologically sensitive than the northern side because of the mature trees and the morphology of the river. There are no mature trees at the northern side and there is already manmade interference to the river by the suction pipe.

Response

A. The principal submission advanced by Uisce Éireann is that the CPO made by Uisce Éireann on 31st October 2025 seeks to acquire rights and interests in the subject lands. The CPO does not comprise or constitute a grant of development consent in respect of a project within the meaning of the EIA Directive.

B. Without prejudice to the foregoing, an EIA Screening Report was prepared. The screening exercise concluded that the project does not require EIA. The project does not fall under the classifications outlined within Annex I or Annex II of the EIA Directive or within Schedule 5, Part 1 or Part 2 of the Planning and Development Regulations, 2001 (as amended). Furthermore, the EIA Screening prepared confirms that the project, by virtue of its nature, size and location, is not likely to have significant environmental effects. It is therefore considered that the project does not require an EIA to be carried out.

C. In accordance with the requirements of the Habitats Directive (Council Directive 92/43/EEC), an AA Screening concluded the following: “In view of the best and objective scientific knowledge and in view of the conservation objectives of the European sites reviewed in the screening exercise, the proposed development as described here, individually/in combination with other plans and projects (either directly or indirectly) is not likely to have any significant effects on any of the European sites”

D. Regarding the concern to the objector’s side of the bank being more ecologically Sensitive the Appropriate Assessment Screening report addresses this. “No direct impacts QI (Qualifying Interests) species are predicted as works areas contain no suitable habitat, with exception of Otter. However, while Otter habitat is present, no direct impact that might affect this species are predicted due to the nature of the works and absence of holts/couches within close proximity of the works area. No in-stream works are planned as pipelines will be installed via HDD (Horizontal Directional Drilling), nor will work interfere with riparian otter habitat present as pits will be located 50m back from the riverbank. Otter couches present in the surrounding area are located within the distance allowed by NPWS

E. Regarding Mature trees on the objectors’ side of the river. The proposed pipe will be Drilled in the open space away from the mature trees

F. The AA Screening also concludes that no mitigation is required in order to protect the Qualifying Interests of the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA. Therefore, it is recommended that Appropriate Assessment is not required.

## AA Screening report

This assessment was conducted by Claudia Pascali (BSc, surveyor and author), Jason Nash (BSc, MIFM, surveyor and reviewer) and Simon Furney (MCIEEM, MIFM, reviewer).

“The water main will be installed through Horizontal Directional Drilling (HDD), with pipes installed approximately 4m below the riverbed. This method is suitable as local geological composition (pale limestone with calcite veins and clay infill of minor fissures) is not conducive to frack out.”

It appears that, the authors and reviewers are not qualified to make this statement, there is no reference to a qualified geologist or there is no reference to a geological field study.

This AA screening report is therefore invalid.

The possibility of a frack out cannot be ruled out and there is a direct hydrological link (the river) to the SAC , 3.4 Klms downstream. If there is any doubt, a NIS is required



## Otter Activity in the Vicinity of the Proposed Works Ares

### Map Legend

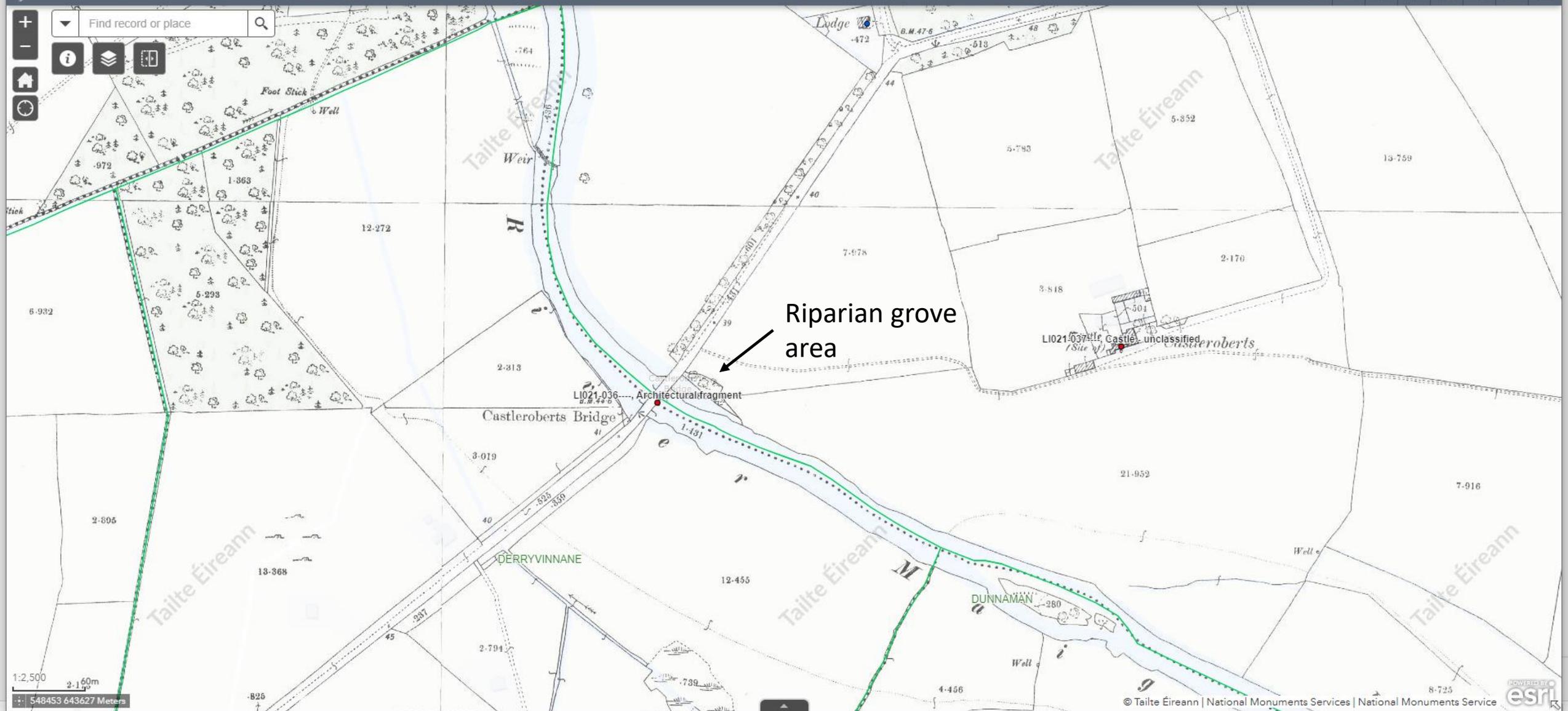
#### Otter Activity

- Burrowing activity
- Couch
- Slide
- Tracks



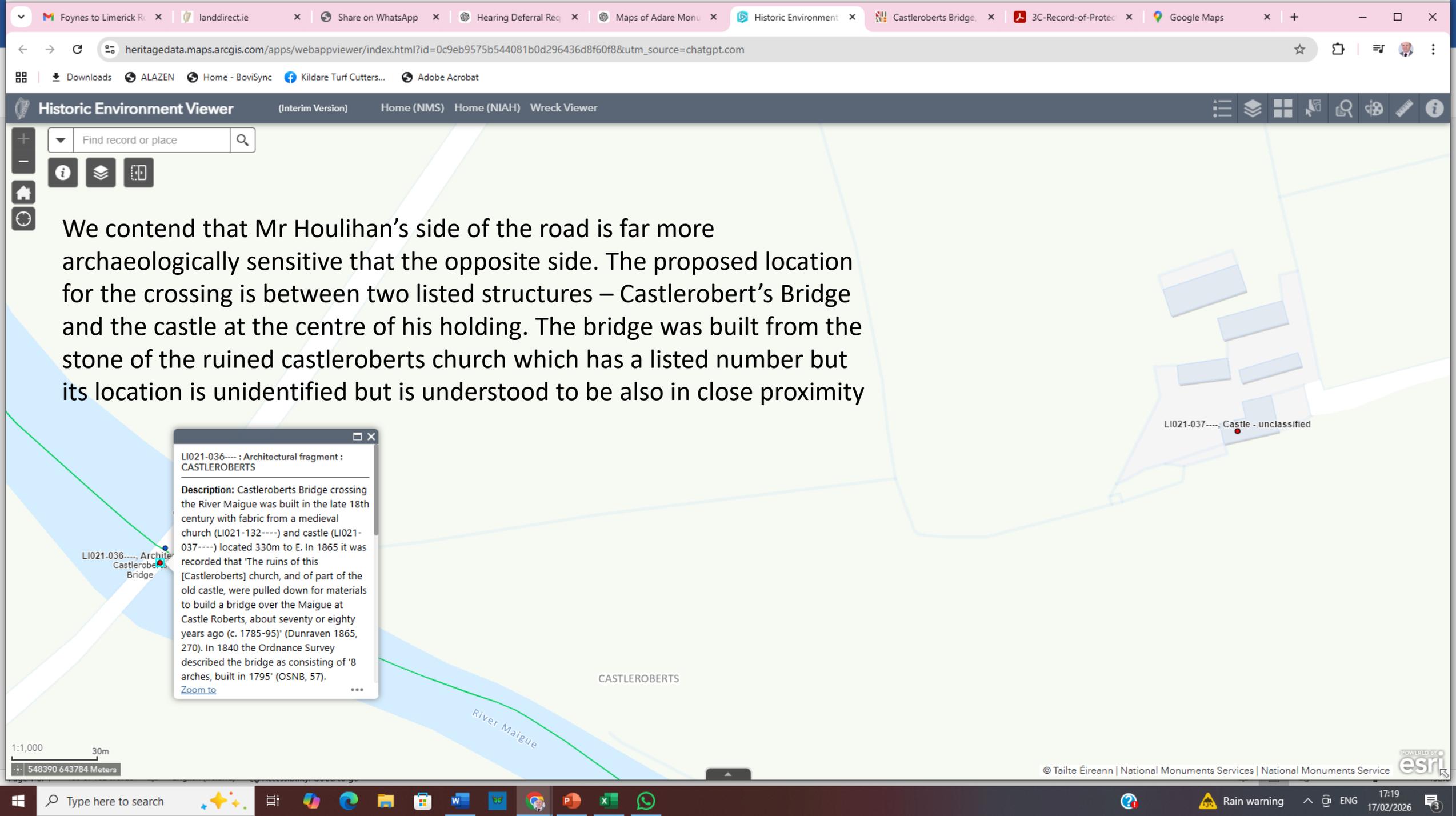
Map prepared using QGIS 3.22 'Białowieża'  
Prepared by: Claudia Pascali  
Date: 19/12/2024  
Basemap layer: Bing

Figure 5. Details of Otter Activity in the vicinity of the works site.



Riparian grove area





Find record or place



We contend that Mr Houlihan’s side of the road is far more archaeologically sensitive than the opposite side. The proposed location for the crossing is between two listed structures – Castleroberts Bridge and the castle at the centre of his holding. The bridge was built from the stone of the ruined castleroberts church which has a listed number but its location is unidentified but is understood to be also in close proximity

LI021-036-.... : Architectural fragment : CASTLEROBERTS

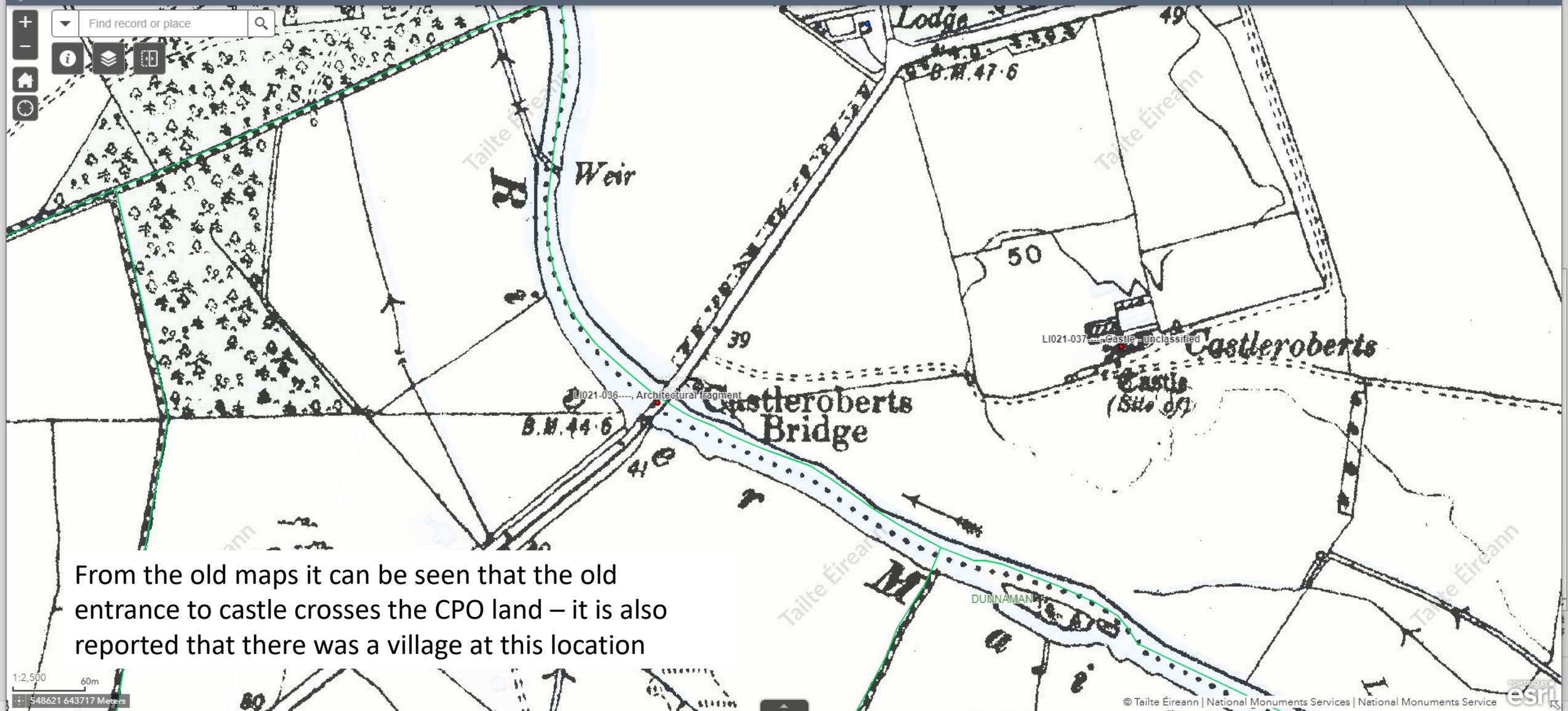
**Description:** Castleroberts Bridge crossing the River Maigue was built in the late 18th century with fabric from a medieval church (LI021-132-....) and castle (LI021-037-....) located 330m to E. In 1865 it was recorded that 'The ruins of this [Castleroberts] church, and of part of the old castle, were pulled down for materials to build a bridge over the Maigue at Castle Roberts, about seventy or eighty years ago (c. 1785-95)' (Dunraven 1865, 270). In 1840 the Ordnance Survey described the bridge as consisting of '8 arches, built in 1795' (OSNB, 57). [Zoom to](#)

LI021-037-...., Castle - unclassified

CASTLEROBERTS

River Maigue

1:1,000 30m 548390 643784 Meters



From the old maps it can be seen that the old entrance to castle crosses the CPO land – it is also reported that there was a village at this location

From the inspectors report in relation to the N21 Adare Bypass (c.2010) which crossed the Maigne upstream through the objector's holding.

*“Mr. Dempsey (archaeology) said the significance of impact on the Castleroberts field system (309) was assessed as moderate. He said there would be no impacts during operations.”*

*Further evidence of Archaeological sensitivity on the objector's holding.*

5. “the proposed trenchless crossing of the river is not without risk. There will be pits on either bank and a lot of noise and vibration and potential f issues that may cause the river water to leak into the bore chamber and allow the release of chemicals from the process up to contaminate the river. This is a major risk to the Adare Water supply as the proposed route is upstream of the water treatment plant’s intake suction pipe. The objector’s requested route is downstream and therefore any potential contamination of the Adare water supply from a trenchless crossing would be averted. The trenchless process has further potential adverse impacts for the river and its banks and for resident protected fauna like otters, horseshoe bats, salmonids, lamprey, crayfish and mussels, and as already stated, the objector’s side of the bridge is more sensitive.”

#### Response

- A. Horizontal Directional Drilling (HDD) is an Industry standard technique to cross rivers. The potential for frack out is considered to be absent as drilling will occur 4m below the bed of the River Maigue.
- B. During Site Investigation, two pilot bores were successfully carried out on the southern side of the river. The following observations included: • The ground conditions were found to be stable and consistent. • No boulders or rock were met during the pilot bores. • Soil composition is suitable for Horizontal Directional Drilling (HDD)
- C. Crossing the river by installing the pipe in the bridge deck was considered. Castleroberts Bridge is listed as both a National Inventory of Architectural Heritage (NIAH) and Sites and Monuments Record (SMR). Site investigation of the bridge deck discovered that there is insufficient depth in the bridge deck to provide adequate protection to the proposed watermain. Concrete protection to pipework can be provided in cases of limited cover.
- C. However, the installation of the watermain in the bridge deck would not be in keeping with the existing architectural features of this historic bridge.
- D. An alternative practice, strapping the pipe to the side of the bridge introduces the health and safety risks to construction staff and Uisce Eireann operations and maintenance staff, namely working from heights and working over water. Strapping of the pipe to the side of the bridge would also not be in keeping with the existing architectural features of the historic Castleroberts Bridge.
- E. Assessment of Potential for impacts on qualifying interests of the lower River Shannon SAC are addressed within the Appropriate Assessment Screening Report for the project: “Given the nature of the QI’s (Qualifying Interests) and the location of the proposed development, no meaningful impact source-pathway-receptor chain could be identified. There will be no direct impacts on the Lower River Shannon SAC and there will be no habitat loss or fragmentation as a result of the proposed development.”

Mr Bill Hutch will comment on this – Our position is that there is a risk.