

Strategic Infrastructure Development

Material Contravention Statement

Water Supply Project - Eastern and Midlands Region

December 2025



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ACRONYMS AND ABBREVIATIONS

ACRONYM	MEANING
ACP	An Coimisiún Pleanála
ABP	An Bord Pleanála
WSP	Water Supply Project (Eastern and Midlands Region)
GDA	Greater Dublin Area
WRZ	Water Resource Zone
Mld	Megalitres per day
DWD	(EU) Drinking Water Directive
WFD	(EU) Water Framework Directive
SID	Strategic Infrastructure Development
EIA	Environmental Impact Assessment
EIAR	Environmental Impact Assessment Report
NIS	Natura Impact Statement
AA	Appropriate Assessment
CPO	Compulsory Purchase Order
RWI&PS	Raw Water Intake & Pumping Station
RWRM	Raw Water Rising Mains
WTP	Water Treatment Plant
HLPS	High Lift Pumping System
BPT	Break Pressure Tank
BPS	Booster Pumping Station
FCV	Flow Control Valve
TPR	Termination point reservoir
PNR	Project Need Report
GDA WRZ	Greater Dublin Area Water Resource Zone
WSSP	Water Services Strategic Plan
NWRP	National Water Resources Plan
NPF	National Planning Framework
NDP	National Development Plan
NSS	New Shannon Source
SMP	Soils Management Plan
CWBPMP	Construction Waste and By-Product Management Plan
SAC	Special Area of Conservation
SPA	Special Protection Area
NHA	Natural Heritage Area
pNHA	Proposed Natural Heritage Area
WAA	Water Environment (Abstractions and Associated Impoundments) Act (WAA) 2022
EPA	Environmental Protection Agency
ESB	Electricity Supply Board
TPO	Tree Preservation Order
NRA	National Roads Authority
TII	Transport infrastructure Ireland
WSPS	Water Services Policy Statement
AIPP	All Ireland Pollinator Plan
RSES	Regional Spatial and Economic Strategy
EMRA	Eastern and Midlands Regional Assembly
SRA	Southern Regional Assembly
RSO	Regional Strategic Outcome
MASP	Metropolitan Area Spatial Plan

SuDS	Sustainable Drainage Systems
DHPLG	Department of Housing, Planning and Local Government
CCDP	Clare County Development Plan
ACSR	Aluminium Conductor Steel Reinforced
AAAC	All Aluminium Alloy Conductors
TCDP	Tipperary County Development Plan
DEHLG	Department of the Environment, Heritage and Local Government (Former Dept.)
DCHG	Department of Culture, Heritage and the Gaeltacht
ECOW	Ecological Clerk of Works
NBDC	National Biodiversity Data Centre
OPW	Office of the Planning Regulator
SFRA	Strategic Flood Risk Assessment
MRFS	Mid-Range Future Scenario
HEFS	High-End Future Scenario
LCA	Landscape Character Area
CEMP	Construction and Environmental Management Plan
OCDP	Offaly County Development Plan
LI&IEMA	Landscape Institute and Institute of Environmental Management and Assessment
KCDP	Kildare County Development Plan
PCAS	Peatlands Climate Action Scheme
ICAO	International Civil Aviation Organisation
CBS	Community Benefit Scheme
SEA	Strategic Environmental Assessment
SDCDP	South Dublin County Development Plan

1.0 INTRODUCTION

1.1 Preamble and Purpose of Report

1. Uisce Éireann¹ has retained Tom Phillips + Associates², Town Planning Consultants, to prepare this *Material Contravention Statement* to accompany an Application for a Strategic Infrastructure Development under Section 37E of the Planning and Development Act 2000, as Amended. The SID application is being made to An Coimisiún Pleanála (ACP), in respect of the Water Supply Project Eastern and Midlands Region (hereafter referred to as the 'Proposed Project'), spanning counties Clare, Limerick, Tipperary, Offaly, Kildare and South Dublin.
2. The Proposed Project is of national strategic importance and is consistent with policies outlined in the National Planning Framework, National Development Plan and the National Water Resources Plan (See Section 3.0), and aligns with National Climate policy, as outlined in the Climate Action Plan, National Adaptation Framework and Water Quality and Water Services Sectoral Adaptation Plan (2025).
3. The Proposed Project and its implementation by Uisce Éireann should also be viewed in the context of the recent Coolglass Judgment³ which underlines the responsibility of relevant bodies to perform their respective functions in a manner that is consistent with climate action plans, strategies and national climate objectives. The Judgment represents a notable shift-change towards a strong presumption in favour of permission for climate mitigating and decarbonisation projects.
4. The planning application boundary of the Proposed Project traverses 6 no. Planning Authorities including Clare County Council, Limerick City and County Council, Tipperary County Council, Offaly County Council, Kildare County Council and South Dublin County Council. As part of the preparation of this SID application, TPA have reviewed the Development Plans across all of these jurisdictions in detail with a view to identifying any policies or objectives that may be inconsistent with the delivery of the Proposed Project.
5. This Statement has been prepared to assess where the Proposed Project has the potential to be considered to materially contravene any of the Development Plans in question. There may be conflicting objectives in certain circumstances in a respective Development Plan or the objectives are not clearly stated, insofar as the proposed development is concerned. It should also be noted that each of the Development Plans along the main pipeline route include policy support for the Proposed Project and / or the strategic aims of Uisce Éireann, and so any potential contraventions of policy in other areas should be considered in this context.
6. Due to the linear nature of the proposal and the route of the pipeline through predominantly rural areas, there are limited areas where the pipeline traverses zoned lands. We are satisfied, having reviewed these locations, that the Proposed Project does not materially contravene any land use zoning objective.
7. The appropriate proposed mitigation measures outlined in the accompanying EIAR and NIS, are referred to where we consider there may be policies that potentially do not align with the delivery

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² 80 Harcourt Street, Dublin 2, D02 F449.

³ [Coolglass v ABP \[2025\] IEHC 1](#)

of the Proposed Project. It should be noted that the majority of impacts are temporary during the Construction Phase and lands along the route of the underground pipeline are intended to be restored to their original state. Therefore, with the mitigation measures being followed, the impact of the delivery of the Proposed Project will be minimised.

8. Ultimately, it is a matter for An Coimisiún Pleanála to determine whether the Proposed Project in fact materially contravenes any of the policies or objectives contained the relevant Development Plans. All Development Plans along the route of the Proposed Project have been reviewed in detail with policies and objectives that relate to the Proposed Project being identified. This document has endeavoured to identify any policy areas where potential contravention may occur and has provided our professional planning judgement with regard to such instances.

1.2 Introduction

9. Uisce Éireann is focused on delivering critical infrastructure necessary to support social and economic development for the country. Therefore, and in accordance with its obligations as the National Authority for water under the Water Services Act, 2007, as amended, Uisce Éireann is progressing the Water Supply Project Eastern and Midlands Region.
10. The Proposed Project aims to provide a new supply to address the projected need for drinking water and increase the reliability of supplies in the Eastern and Midlands Region. The Proposed Project consists of an abstraction from Parteen Basin on the Lower River Shannon in County Tipperary, a new 172km pipeline, six associated infrastructure sites, and other ancillary infrastructure to treat the raw water to drinking water standard and transfer it to a new reservoir at Peamount in County Dublin.



Figure 1 - Overview of the Proposed Project. (Source: Uisce Éireann)

11. The Proposed Project will provide the capacity to meet the needs of a Water Supply Area consisting of 36 Water Resource Zones (WRZs) across the Eastern and Midlands Region in accordance with the Regional Water Resources Plan – Eastern and Midlands (the “Eastern and Midlands Plan”). It will do this by providing the capacity to supply up to 300 megalitres of water per day (Mld) which will:

- Immediately meet the identified need for water within the GDA WRZ to 2050 and beyond.
 - Enable the future supply to 17 other WRZs by re-directing supplies within the GDA WRZ and expanding the GDA WRZ by incorporating these WRZs into the GDA Regional WRZ, when future projects are brought forward by Uisce Éireann.
 - Enable the future supply to a further 18 WRZs across the Midlands from take-off points along the pipeline and facilitate the consolidation of those WRZs into four new WRZs, when future projects are brought forward by Uisce Éireann.
 - Make provision for potential reductions in existing supply volumes due to sustainability requirements anticipated under the new abstraction licensing regime.
12. The works associated with the Proposed Project are required to ensure continued compliance with EU Directives and National Regulations related to water quality and are necessary in order to continue to supply water infrastructure for continued population growth and economic development.
13. Pursuant to Section 7 of the Water Services (No. 2) Act, 2013, Uisce Éireann is carrying out the functions of the National Authority for water for the purposes of the Water Services Act, 2007, and has the powers, duties and functions, to provide for water services as laid down in the Water Services Act, 2007.

1.3 Summary of Development

Proposed Project Infrastructure	Outline Description of Proposed Project Infrastructure
Permanent Infrastructure	
Raw Water Intake and Pumping Station (RWI&PS) (Infrastructure Site) County Tipperary	<ul style="list-style-type: none"> • The RWI&PS would be located on a permanent site of approximately 4ha on the eastern shore of Parteen Basin in the townland of Garrynatineel, County Tipperary. In addition, approximately 1ha of land would be required on a temporary basis during construction. • The RWI&PS has been designed to abstract enough raw water from the River Shannon at Parteen Basin to provide up to 300Mld of treated water by 2050. • The RWI&PS site would include a bankside Inlet Chamber, the Raw Water Pumping Station Building, two Microfiltration Buildings, an Electricity Substation and Power Distribution Building, and Dewatering Settlement Basins. The tallest building on the RWI&PS site would be the Microfiltration Buildings which would be 10.9m above finished ground level. Additionally, there would be a telemetry mast, the top of which would be 14m above finished ground level. • Power for the RWI&PS would be supplied via an underground connection to the existing Birdhill 38 kV electricity substation. • A new permanent access road from the R494 would be constructed to access the proposed RWI&PS site. This access road would be 5m in width and 670m in length. • The RWI&PS site boundary would be fenced with a stock proof fence and a 2.4m high paladin security fence 5m inside the boundary. The site would be landscaped in line with the surrounding environment to reduce its visual impact.

<p>Raw Water Rising Mains (RWRMs) (Pipeline) County Tipperary</p>	<ul style="list-style-type: none"> • The RWRMs would consist of two 1,500mm underground pipelines made from steel that would carry the raw water approximately 2km from the RWI&PS to the Water Treatment Plant (WTP) at Incha Beg, County Tipperary. The water would be pumped from the pumping station at the RWI&PS to the WTP. • Twin RWRMs have been proposed so that one RWRM can be taken out of service for cleaning and maintenance while still providing an uninterrupted flow of raw water through the other RWRM. • The RWRMs would include Line Valves, a Lay-By, Air Valves and Cathodic Protection. • A 20m wide Permanent Wayleave would provide Uisce Éireann with operational access to the RWRMs.
<p>Water Treatment Plant (WTP) (Infrastructure Site) County Tipperary</p>	<ul style="list-style-type: none"> • The WTP would be located on a permanent site of approximately 31ha at Incha Beg, County Tipperary, 2.6km north-east of the village of Birdhill, and 2km east of the proposed RWI&PS. In addition, approximately 2.5ha of land would be required on a temporary basis during construction. • The WTP would treat the raw water received from the RWI&PS via the RWRMs. Once treated, the High Lift Pumping Station (HLPS) would deliver the treated water onwards from the WTP to the Break Pressure Tank (BPT) at Knockanacree, County Tipperary, via the Treated Water Pipeline. • The WTP would comprise of a series of tanks and buildings including the Raw Water Balancing Tanks, Water Treatment Module Buildings, Sludge Dewatering Buildings, Sludge Storage Buildings, Clear Water Storage Tanks and HLPS, an Electricity Substation and Power Distribution Building, and the Control Building. The tallest building on the WTP site would be the Water Treatment Module Buildings which would be up to 15.6m above finished ground level. Additionally, there would be a telemetry mast, the top of which would be 14m above finished ground level. • There would also be a potential future water supply connection point at the junction between the permanent access road and the R445. • Power for the WTP would be supplied via an underground connection to the existing Birdhill 38 kV electricity substation. Solar panels would be placed on the roofs of the Chemical Dosing Manifold Building, the Water Treatment Module Buildings, Clear Water Storage Tanks and Sludge Storage Buildings, and at a number of locations on the ground to supplement the mains power supply. • A new permanent access road from the R445 would be constructed and would be 6m in width and 640m in length. • The WTP site boundary would be fenced with a stock proof fence and a 2.4m high palisade security fence 5m inside the boundary. The site would be landscaped in line with the surrounding environment to reduce its visual impact.
<p>Treated Water Pipeline from the WTP to the BPT (Pipeline)</p>	<ul style="list-style-type: none"> • The Treated Water Pipeline from the WTP to the BPT would consist of a single 1,600mm underground steel pipeline which would be approximately 37km long. The water would be pumped through this section of the Treated Water Pipeline by the HLPS.

<p>County Tipperary</p>	<ul style="list-style-type: none"> • The Treated Water Pipeline would include Line Valves, Washout Valves, Air Valves, Manways, Cathodic Protection and Lay-Bys. • A 20m wide Permanent Wayleave would provide Uisce Éireann with operational access to the pipeline (this Wayleave has been extended to approximately 30m at some Line Valves to provide access between the Lay-Bys and Line Valves). There would be an additional 10m wide Permanent Wayleave at certain locations for operational access to smaller pipes connecting Washout Valves with permanent discharge locations.
<p>Break Pressure Tank (BPT) (Infrastructure Site) County Tipperary</p>	<ul style="list-style-type: none"> • The BPT would be located on a permanent site of approximately 7ha in the townland of Knockanacree, County Tipperary. In addition, approximately 0.8ha of land would be required on a temporary basis during construction. • The BPT would be located at the highest point of the pipeline. It marks the end of the Treated Water Pipeline from the WTP to the BPT and the start of the Treated Water Pipeline from the BPT to the Termination Point Reservoir (TPR) in the townland of Loughtown Upper, at Peamount, County Dublin. It would act as a balancing tank and would be required to manage the water pressures in the entire Treated Water Pipeline during flow changes, particularly during start-up and shut-down. • The BPT site would include the BPT and a Control Building. The BPT would be a concrete tank divided into three cells covered with an earth embankment. The BPT tanks would be 5m in height and partially buried below finished ground levels. The Control Building would be 7.5m over finished ground level. Additionally, there would be a telemetry mast, the top of which would be 14m above finished ground level. • Access to the BPT site would be via a new permanent access road from the L1064 which would be 5m wide and 794m in length. • Power for the BPT would be supplied via an underground connection from the existing overhead power line. Solar panels would be placed on the south facing side of the control building roof, on the BPT and at ground level to the south of the site to supplement the mains power supply. • The BPT site boundary would be bounded by the existing hedgerow / tree line with a 2.4m high palisade security fence around the permanent infrastructure. The site would be landscaped in line with the surrounding environment to reduce its visual impact.
<p>Treated Water Pipeline from the BPT to the TPR (Pipeline) Counties Tipperary, Offaly, Kildare and Dublin (within the administrative area of South Dublin County Council)</p>	<ul style="list-style-type: none"> • The Treated Water Pipeline from the BPT to the TPR would consist of a single 1,600mm underground steel pipeline, approximately 133km long. • The water would normally travel through the Treated Water Pipeline by gravity; however, flows greater than approximately 165Mld would require additional pumping from the Booster Pumping Station (BPS) in the townland of Coagh Upper, County Offaly. • The Treated Water Pipeline would include Line Valves, Washout Valves, Air Valves, Manways, Cathodic Protection, Lay-Bys and potential future connection points.

	<ul style="list-style-type: none"> • A 20m wide Permanent Wayleave would provide Uisce Éireann with operational access to the pipeline (this Wayleave has been extended to approximately 30m at some Line Valves to provide access between the Lay-Bys and Line Valves). There would be an additional 10m wide Permanent Wayleave at certain locations for operational access to smaller pipes connecting Washout Valves with permanent discharge locations.
<p>Booster Pumping Station (BPS) (Infrastructure Site) County Offaly</p>	<ul style="list-style-type: none"> • The BPS would be located on a permanent site of approximately 2.6ha in the townland of Coagh Upper, County Offaly. It would be located approximately 30km downstream from the BPT. In addition, approximately 3ha of land would be required on a temporary basis during construction. • The BPS would be required when the demand for water causes the flow through the pipeline to exceed approximately 165Mld. • The BPS site would consist of a single-storey Control Building with a basement below. It would have a finished height of 7.6m above finished ground level. There would also be a separate Electricity Substation and Power Distribution Building. Additionally, there would be a telemetry mast, the top of which would be 14m above finished ground level. • Power to the BPS would be supplied from an existing 38 kV electricity substation at Birr, through cable ducting laid within the public road network. There would be ground mounted solar panels on the southern side of the BPS site to supplement the mains power supply. • The site would be accessed directly from the L3003. • The BPS site boundary would be fenced with a stock proof fence and a 2.4m high palisade security fence between 5m -12m inside the boundary. The site itself would be landscaped in line with the surrounding environment to reduce its visual impact.
<p>Flow Control Valve (FCV) (Infrastructure Site) County Kildare</p>	<ul style="list-style-type: none"> • The FCV controls the flows in the Treated Water Pipeline from the BPT to the TPR. It would be a small permanent site of approximately 0.5ha in the townland of Commons Upper in County Kildare. In addition, approximately 0.6ha of land would be required on a temporary basis during construction. • It would consist of three 700mm diameter FCVs and three flow meters installed in parallel with the Line Valve and housed within an underground chamber. • Access to the FCV site would be directly off the L1016 Commons Road Upper. • Power supply to the FCV site would be provided from the existing low voltage network via a combination of overhead lines and buried cables. There would be ground mounted solar panels on the north-eastern side of the site to supplement the mains power supply. • Kiosks at the FCV site would house the Programmable Logic Controller, telemetry and power supply for the Line Valve. There would also be a telemetry mast, the top of which would be 14m above finished ground level. • The site boundary would be fenced with a stock proof fence and a 2.4m high palisade security fence 5m inside the boundary.

<p>Termination Point Reservoir (TPR) (Infrastructure Site) County Dublin (within the administrative area of South Dublin County Council)</p>	<ul style="list-style-type: none"> • The TPR would be located on a permanent site of approximately 8.3ha adjacent to an existing treated water reservoir in the townland of Loughtown Upper, at Peamount, County Dublin (within the administrative area of South Dublin County Council) and would have capacity for 75ML of treated water supply. In addition, approximately 1.1ha of land would be required on a temporary basis during construction. • It would be located at the downstream end of the Treated Water Pipeline from the BPT to the TPR and would be the termination point for the Proposed Project. It would be at this location that the Proposed Project would connect to the existing water supply network of the Greater Dublin Area Water Resource Zone (GDA WRZ). • The TPR would consist of an above-ground storage structure, associated underground Scour Water and Overflow Water tanks and a Chlorine Dosing Control Building. The TPR would be a concrete tank divided into three cells and covered with an earth embankment. The top of the TPR would be 11.2m above finished ground level. The Chlorine Dosing Control Building would be 8.4m over finished ground level. Additionally, there would be a telemetry mast, the top of which would be 14m above finished ground level. • Power for the TPR would be supplied via an underground connection to the existing electricity substation at Peamount Reservoir. There would be solar panels on top of a portion of the northern cell of the TPR to supplement the mains power supply. • A new permanent access road from the R120 would be constructed and would be 5m wide and 342m in length. • The TPR site would be bounded by the existing hedgerow to the west and existing fence to the east with a 2.4m high palisade security fence around the permanent infrastructure. The site itself would be landscaped in line with the surrounding environment to reduce its visual impact.
<p>• Proposed 38 kV Uprate Works – Power Supply to RWI&PS and WTP</p>	
<p>Proposed 38 kV Uprate Works Ardnacrusha – Birdhill (Power Supply) Counties Clare, Limerick and Tipperary</p>	<ul style="list-style-type: none"> • The proposed 38 kV Uprate Works would be necessary to deliver adequate electrical power to the RWI&PS and WTP. • The proposed works would include the uprating of the existing Ardnacrusha – Birdhill Line and the replacement of polesets/structures with an underground cable along a section of the Ardnacrusha – Birdhill – Nenagh Line. • There would also be works at the existing Birdhill 38 kV electricity substation including the provision of a new 38 kV modular Gas Insulated Switchgear Modular Building, new electrical equipment and lighting, together with new fencing and associated works.
<p>• Temporary Infrastructure – Required for Construction Phase Only</p>	
<p>Construction Compounds Counties Tipperary, Offaly, Kildare and Dublin (within the</p>	<ul style="list-style-type: none"> • Eight Construction Compounds would be temporarily required to facilitate the works to construct the Proposed Project. Five Construction Compounds would be located along the route of the Treated Water Pipeline at the following Infrastructure Sites: RWI&PS, WTP, BPT, BPS and TPR, with an additional three Construction Compounds located at Lisgarraff (County Tipperary), Killananny (County

<p>administrative area of South Dublin County Council)</p>	<p>Offaly) and Drummond (County Kildare). Construction Compounds would act as a hub for managing the works including plant/material/worker movement, general storage, administration and logistical support.</p> <ul style="list-style-type: none"> • The Principal Construction Compound at the WTP would require 30ha of land during construction. • The other three Principal Construction Compounds would require land temporarily during construction ranging between approximately 12ha and 16ha. • The four Satellite Construction Compounds at the other permanent Infrastructure Sites (excluding the FCV) would require land during construction ranging between approximately 3ha and 12ha.
<p>Pipe Storage Depots Counties Tipperary, Offaly, and Kildare</p>	<ul style="list-style-type: none"> • Nine Pipe Storage Depots would be temporarily required to supplement the Construction Compounds and would serve the installation of pipe between the WTP and the TPR. • Pipe Storage Depots would take direct delivery of the pipe for storage before onward journey to the required location along the Construction Working Width. • The Pipe Storage Depots would vary in size and require land temporarily during construction generally ranging between approximately 2ha and 7ha but with one site being larger at 11ha.

14. For the purposes of this Report, ‘Infrastructure Sites’ is the collective term that has been used for the RWI&PS, WTP, BPT, BPS, FCV and TPR sites.

1.4 Structure of Report

15. Section 2.0 outlines the Legislative Context. Section 3.0 outlines the strategic and national importance of the Proposed Project. Section 4.0 provides an overview of all relevant policies of note from each of the Development Plans and includes specific responses. Section 5.0 summarises Uisce Éireann’s responses to the policies, on a thematic basis. Finally, Section 6.0 sets out the conclusions.

Note: Applicant commentary in relation to key planning policies is emphasised in red outline as shown here.

2.0 MATERIAL CONTRAVENTION LEGISLATIVE CONTEXT

16. The Proposed Project, as a Strategic Infrastructure Development application, will be submitted directly to An Coimisiún Pleanála. It is a development of strategic and national importance, supported by Government policy, as outlined in Section 3.0 below.
17. The *Planning and Development Act 2000* (as amended) provides An Coimisiún Pleanála the powers to grant planning permission for a proposed Strategic Infrastructure Development that materially contravenes a Development Plan.
18. Section 37G (6) of the Planning and Development (Strategic Infrastructure) Act 2006 states:

“The Board may decide to grant a permission for development, or any part of a development, under this section even if the proposed development, or part thereof, contravenes materially the development plan relating to any area in which it is proposed to situate the development.”

3.0 STRATEGIC IMPORTANCE OF THE PROPOSED PROJECT

19. The need for a new water supply source for the Greater Dublin Area has long been identified in national, regional and local planning policies. These policies have been outlined in detail in the accompanying SID Planning Report prepared by Tom Phillips + Associates and are summarised below.

3.1 National Water Resources Plan – Framework Plan (2021)

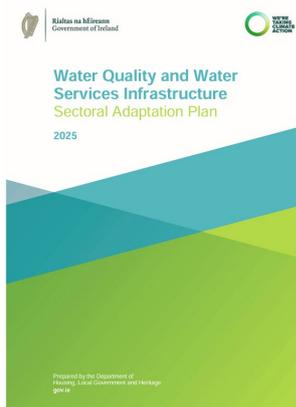
20. Uisce Éireann's National Water Resources Plan (NWRP) is the first such plan for the entire public water supply in Ireland. It allows for the integration of Government Policy, Legislation and external factors including climate change that have the potential to impact our water supplies, into the planning and operation of our existing and future supply asset base.
21. The objective of the NWRP is to manage customer and communities needs while meeting their requirements over the short, medium and long term, by ensuring safe, secure, sustainable and reliable water supplies. The NWRP will:
- Enable Uisce Éireann to address need across our water supplies in the most effective way over time, through the regulated investment cycles;
 - Ensure that there is a transparent framework to develop the most appropriate projects/programmes to meet statutory obligations in relation to water supply;
 - Provide a framework to track outcomes, allowing interventions to be prioritised in order to bring the water supply up to the required standards in the shortest possible timeframe; and
 - Deliver a plan to ensure that all of our customers have access to safe, secure, reliable and sustainable water supplies, wherever they live.
22. The preparation of the Plan was divided into 2 distinct phases:
- Phase 1 is the NWRP – Framework Plan, which has been subject to Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA).
 - Phase 2 comprises four Regional Water Resources Plans each of which will be subject to SEA and AA.

3.2 Regional Water Resources Plan – Eastern and Midlands Region

23. The Regional Water Resources Plan Eastern and Midlands ('Eastern and Midlands Plan') assesses the status of the Eastern and Midlands region in terms of population, development, and natural environment and identifies specific challenges within the Eastern and Midlands Region. The Plan identifies the population projections and water needs for the Eastern and Midlands region across 134 WRZs, looking at the current status of infrastructure. The Plan presents the option development process, and the feasible options remaining after screening processes to efficiently and sustainably supply the water needs for the study areas. The preferred approach was identified as the Water Supply Project – being the Proposed Project the subject of this material contravention statement. The process for identifying the preferred approach representing the best option is outlined along with the sensitivity of the preferred approach to climate change, abstraction regulation, leakage targets and growth projections.

24. In accordance with the Eastern and Midlands Plan, once completed, the Proposed Project would provide the capacity to meet the drinking water need for a Water Supply Area consisting of 36 Water Resource Zones across the Eastern and Midlands Region. It would do this by providing the capacity to supply up to 300 megalitres of water per day (Mld). A raw water abstraction consent of 300Mld is being sought to cover the operational requirements of providing up to 280Mld of treated water in 2050, with a provision of a further 20Mld to allow for potential future sustainability reductions from existing supply volumes. This would;
- Meet the identified need for water within the Greater Dublin Area Water Resource Zone (GDA WRZ) to 2050 and beyond;
 - Enable the future supply to a further 18 WRZs across the Midlands from potential future connection points along the pipeline and facilitate the consolidation of those WRZ into four new WRZ, when future projects are brought forward by Uisce Éireann; and
 - Make provision for potential reductions in existing supply volumes due to sustainability requirements anticipated under the new abstraction licensing regime.

3.3 Water Quality and Water Services Infrastructure - Sectoral Adaptation Plan



25. The Sectoral Adaptation Plan was published on the 13th November 2025, including the Water Quality and Water Services Infrastructure - Sectoral Adaptation Plan (WQWSI SAP). The plan was prepared under the National Adaptation Framework in respect of two sectors: Water Quality (WQ) and Water Services Infrastructure (WSI).

26. Following multi-stakeholder engagement, the vision for the WQWSI SAP was developed:

“Provide climate-resilient and sustainable water management systems that protect and enhance freshwater quality, comply with regulatory standards, deliver wholesome and clean water for human consumption, and support the development of robust and adaptive water services infrastructure.”

27. The plan highlights Uisce Éireann’s role as Ireland’s national public water services provider and its responsibility to supply water services to nearly 87% of the Irish population. When describing the WSI sector in Ireland, the plan lists significant pressures facing the sector:
- Population growth and demographic changes which put increased demands on available water resources;
 - Degradation of the water environment which presents significant challenges to the treatment and provision of water;
 - Ageing infrastructure which requires major investment to upgrade and replace to meet future water demands;
28. The plan describes how climate change impacts may compound these existing pressures and pose challenges for adaptation planning and finance, and the emergence of economic growth as a significant driver of water resource pressure.
29. The plan also describes ‘cascading risks’, and states that:

‘the Water Quality and Water Services Infrastructure sectors comprise a range of systems and are intricately linked with various other systems and associated sectors, exerting both positive and negative influences through direct and indirect pathways. Conversely, sectors like Biodiversity, Agriculture, and Electricity and Gas Networks also impact Water Quality and Water Services Infrastructure, highlighting a complex web of interdependencies.’

30. The WQWSI SAP describes the need for cross-sector collaboration and coordination on relevant climate adaptation measures in order to avoid missed synergies or maladaptation from sectors working in silos which historically has been the approach.

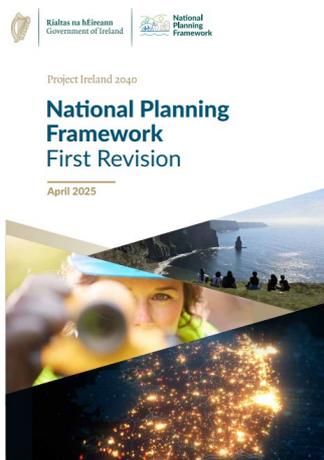
Goals	Objectives
Goal 1: Good Governance and Collaboration	1.1 Enhance resilience of the water sector through effective multi-stakeholder engagement
	1.2 Monitor and share data and information to increase resilience and promote adaptation
	1.3 Establish mechanisms to report on progress in adaptation implementation
Goal 2: Protect and Enhance Waterbodies	2.1 Protect and enhance aquatic ecosystems, while preventing further deterioration
	2.2 Protect, improve and restore freshwater quality and quantity
Goal 3: Secure, Resilient, and Adaptable Water Services	3.1 Enhance existing and where required provide new drinking water services infrastructure
	3.2 Ensure wastewater management and wastewater services are delivered in a safe and reliable manner

Figure 3.1 – Goals and Objectives of the Water Quality and Water Services Infrastructure Sectoral Adaptation Plan. (Source: Figure 5-1 of WQWSI SAP, Department of Housing, Local Government and Heritage - gov.ie)

31. The delivery of the Proposed Project will contribute to achieving ‘Goal 3’. The WQWSI SAP identifies the Proposed Project:

“Uisce Éireann’s Water Supply project will develop a new, climate-resilient, long-term water source to meet the demands of a growing population and economy.”

3.4 National Planning Framework – First Revision: April 2025 (Project Ireland 2040) (NPF)



32. The NPF is the long term, 20-year strategy shaping the future growth and development of Ireland. The Framework was published in 2018 with the First Revision being finalised in April 2025. It is a framework to guide public and private assessment, to create and promote opportunities for people, and to protect and enhance the environment.

33. The document highlights the delivery of critical strategic infrastructure in areas such as transport, water services management, waste management, education, health and community services which will be essential to the sustainable growth of Dublin into the future. The Proposed Project is listed among the key priorities for Dublin.

34. The NPF notes the importance of the clean water to create a healthy society, and to support a growing economy and states that;

“it is essential that we have a resilient water supply to serve the existing population and for the additional 1 million people projected by 2040.”

National Policy Objective 92

Ensure the alignment of planned growth with the efficient and sustainable use and development of water resources and water services infrastructure, in order to manage and conserve water resources in a manner that supports a healthy society, economic development requirements and a cleaner environment.

35. Key priorities of the NPF include *enhanced airport and port access and capacity; expansion of the public transport network including the delivery of DART+, MetroLink, Luas expansion and BusConnects; and enhanced water and wastewater capacity through projects such as the Greater Dublin Drainage Project and the **Water Supply Project, Eastern and Midlands Region.***

[Our emphasis]

36. Key future growth enablers for Dublin include: Ensuring that key water supply and waste-water projects needed to support long term growth within the metropolitan area are delivered, including the Greater Dublin Drainage Project and **Eastern and Midlands Water Supply Project;**

[Our emphasis]

37. The following National Strategic Outcome is deemed relevant to the Proposed Project, described on Page 15 of the NPF:

National Strategic Outcome 9: Sustainable Management of Water and other Environmental Resources

Ireland has abundant natural and environmental resources such as our water sources that are critical to our environmental and economic wellbeing into the future. Conserving and enhancing the quality of these resources will also become more important in a crowded and competitive world as well as our capacity to create beneficial uses from products previously considered as waste, creating circular economic benefits.

A new long-term water supply source for the Eastern and Midland Region, which includes the Dublin Water Supply Area (DWSA), is needed by the mid-2020s, to provide for projected growth up to 2050 and contribute to resilience and security of supply for the region. This requires infrastructure provision to be guided and prioritised in a manner that can benefit the greatest possible number of areas within the country.

[Our emphasis]

3.5 The National Development Plan (NDP) 2021 – 2030



38. The National Development Plan outlines investment priorities that will support the National Planning Framework to be implemented in a successful manner. The NDP sets out the Government’s over-arching investment strategy on a national, regional and local level to achieve a high quality stock of infrastructure throughout Ireland.

39. The NDP addresses water infrastructure and addresses the investment plans for the Proposed Project;

“Significant continued investment in water and waste water infrastructure and services will also involve increased delivery of new connections, co-ordinated with the planning process to support economic growth and meet the needs of priority housing developments and urban renewal areas, while at the same time supporting implementation of national strategies in relation to public health, safety and environmental compliance.

In the period from 2021-2025 almost €6bn investment will be undertaken by Irish Water of which over €4.5 billion will be Voted Exchequer funded.

This investment includes the projects and programmes committed to in Irish Water’s Capital Investment Plan 2020-2024 approved by the Commission for Regulation of Utilities under Revenue Control 3.5, including major projects such as the Water Supply Project – Eastern and Midlands Region (WSP-EMR) and the Greater Dublin Drainage Project (GDD).

This valuable investment in public water infrastructure will deliver critical outcomes for customers and communities across the strategic objective themes of Quality, Conservation and Future Proofing. Investment will continue to be prioritised to improve water and waste water quality through significant capital projects and delivery of national programmes. This investment is also needed to meet changing legislative and regulatory requirements such as the recast Drinking Water Directive.”

40. The NDP states that the Proposed Project is one of the Water Quality Strategic Investment Priorities;

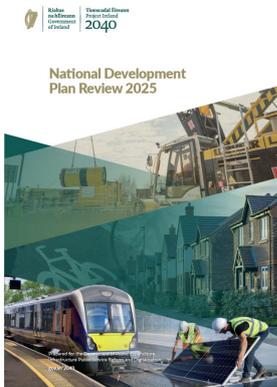
Delivering Significant Infrastructure Development projects to meet future economic, housing and population demands such as the Water Supply Project – Eastern and Midlands Region and the Greater Dublin Drainage Project.

The Proposed Project is underpinned by the Objectives of the National Planning Framework, the National Development Plan and the National Water Resources Plan. The Proposed Project will create a new, sustainable source of clean water that will help support a growing economy, and the projected one million population increase by 2040.

The Proposed Project is considered to be in accordance with the provisions and objectives of the National Development Plan. The investment priorities outlined in the NDP include the Proposed Project, as it will meet future economic, and population demands, and meet the needs of priority housing

developments and urban renewal areas. The Proposed Project will allow the NDP to meet changing legislative and regulatory requirements such as the EU DWD.

3.5.1 National Development Plan Review 2025



41. The Programme for Government set out a review of the National Development Plan as a key priority to enhance the delivery of transformative, critical and growth-enhancing infrastructure over the next five years. The Government has increased investment levels in water infrastructure amongst other sectors to support the core ambition of the review – to deliver 300,000 additional homes by 2030 and boost Ireland’s competitiveness.

42. The Government’s decision to maximise investment in infrastructure has allowed for an additional allocation of €10 billion, which will ensure ongoing investment in the critical foundational infrastructure necessary for the Country.

43. In terms of water specifically, an additional injection of €4.5 billion on top of the NDP provision has been provided specifically for water services:

- The government will make a €2 billion equity injection into Uisce Éireann in 2025 to ensure additional capacity for housing developments, to meet the core ambition of the review of 300,000 homes by 2030 and also to meet regulatory requirements.
- €2.5 billion has been allocated for 2026-2030 specifically to support large scale water infrastructure projects.

44. In total across all sources, including the NDP investment, €12 billion has been released and earmarked specifically for critical water infrastructure investment.

3.6 Regional Spatial and Economic Strategy for the Eastern and Midland Region

45. The EMRA is one of the three Regional Assemblies in Ireland comprising the counties of Longford, Westmeath, Offaly, Laois, Louth, Meath, Kildare, Wicklow, and Dublin.

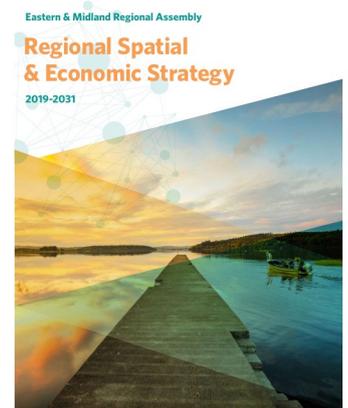
46. The region is described as being the primary economic engine of the state providing more than 1 million jobs.

47. The vision for the EMRA is as follows;

“To create a sustainable and competitive Region that supports the health and wellbeing of our people and places, from urban to rural, with access to quality housing, travel and employment opportunities for all”

48. The EMRA RESE sets out 16 Regional Strategic Outcomes (RSOs), of which the following are deemed to be relevant to the Proposed Project;

RSO 7. Sustainable Management of Water, Waste and other Environmental Resources
Conserve and enhance our water resources to ensure clean water supply, adequate waste water treatment and greater resource efficiency to realise the benefits of the circular economy.



RSO 10. Enhanced Green Infrastructure Identify, protect and enhance Green Infrastructure and ecosystem services in the Region and promote the sustainable management of strategic natural assets such as our coastlines, farmlands, peatlands, uplands woodlands and wetlands.

3.6.1 Resilience of Critical Infrastructure

49. The EMRA RSES describes the role of Critical Infrastructure;

Critical infrastructure (CI) provides the essential functions and services that support European societal, economic and environmental systems.

As both natural, including extreme weather events, and man-made disaster and crises situations become more common place, the need to ensure the resilience of CI so that it is capable of withstanding, adapting and recovering from adverse events is paramount. Critical infrastructure includes transport Infrastructure, electricity and gas networks, flood risk management, and water services infrastructure.

RPO 7.43: Resilience of Critical Infrastructure

Climate Action Regional Offices and local authorities should consider the identification of critical infrastructure within their functional areas, and particularly of the interdependencies between different types of sectoral infrastructure, as a first step in 'future-proofing' services and to help to inform longer term adaptation planning and investment priorities.

50. Section 10.2 of the EMRA RSES describes the Sustainable Management of Water, and the current critical levels of demand for water that the wider Dublin area is currently facing. The RSES states that water supply investment should be prioritised to facilitate further growth in line with NPF population growth projections and to ensure it remains a competitive location.
51. The RSES names the Proposed Project as one of the key projects for the region to support planned development and to maintain and improve existing services and is listed in Table 10.1: Strategic Water Services Projects. The EMRA RSES states;

Specifically, the Water Supply Project for the Eastern & Midlands Region is required to ensure sufficient treated water is available to meet the long-term water supply needs of the Region to provide for projected growth up to 2050 and contribute to resilience and security of supply for the Region. In the absence of the Water Supply Project there will be an issue with servicing growth. The benefiting corridor for the project will provide a new water supply for most of the Region and is a key element of realising potential across the Region. The project aims to meet the domestic and commercial needs of over 40% of Ireland's population in the medium to long term future (up to 2050).

52. The EMRA RSES sets out Regional Policy Objectives relating to water supply, of which the following are deemed relevant to the Proposed Project.

RPO 10.2: *EMRA supports the delivery of the strategic water services projects set out in Table 10.1, subject to appropriate environmental assessment and the planning process.*

RPO 10.3: *The Regional Assembly and local authorities shall liaise and cooperate with Irish Water to ensure the delivery of Irish Water's Investments and other relevant*

investment works programme of Irish Water that will provide infrastructure to increase capacity to service settlements in accordance with the settlement strategy of the RSES and local authority core strategies, and provide for long term solutions for waste water treatment for the Region.

RPO 10.6 *Delivery and phasing of services shall be subject to the required appraisal, planning and environmental assessment processes and shall avoid adverse impacts on the integrity of the Natura 2000 network.*

RPO 10.9: *Local authorities and Irish Water should work together to examine significant raw water sources which may be made redundant by the Water Supply Project for the Eastern and Midlands Region with a view to preserving and protecting them for future back up or ‘windfall’ type economic development opportunities where high water use is required.*

3.7 Dublin Metropolitan Area Spatial Plan (MASP) 2019-2031

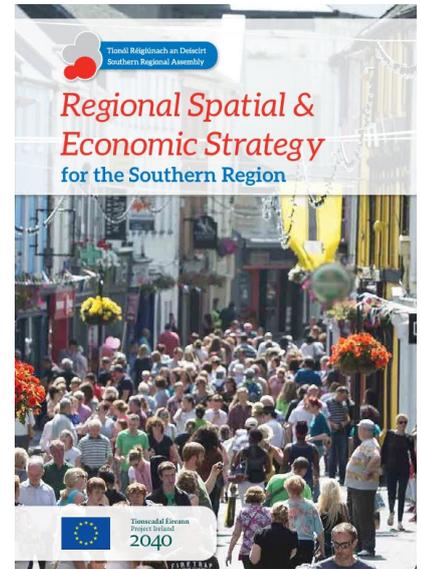
53. The MASP is an integrated land use and transportation strategy for the Dublin Metropolitan Area and is contained within Chapter 5 of the EMRA RSES.
54. The requirement for a MASP to be prepared for Dublin is set out in the National Planning Framework (NPF).
55. The MASP boundary extends beyond Dublin City and suburbs and includes parts of counties Fingal, Meath, Kildare and Wicklow. There are seven local authorities within the Metropolitan Area in total.
56. The MASP is aligned with a number of Regional Strategic Outcomes in the RSES which include managing the sustainable and compact growth of Dublin, the regeneration of cities and better use of under-used land, integrated transport and land use and the promotion of Dublin as a global city region.
57. In the Enabling Infrastructure section (Section 5.5) of the MASP, the key aim is identified;

“to unlock the development capacity of strategic development areas within the metropolitan area by identifying the sequencing of enabling infrastructure and by directing the cross sectoral investment required to deliver development. In addition to transport investment priorities, which are set out in the MASP, the Dublin metropolitan area is experiencing capacity issues in relation to both water and wastewater infrastructure.”
58. The MASP goes on to identify a number of water and wastewater projects including the Proposed Project, that are ongoing to deliver capacity at a large scale to the metropolitan area. It states that:

“it is critical that the timelines for delivery of these projects are aligned with the phased delivery of strategic development areas in the MASP.”

3.8 Regional Spatial and Economic Strategy for the Southern Regional Assembly

59. The Regional Spatial and Economic Strategy (RSES) for the Southern Regional Assembly highlights that the Southern Region represents over 40% of Ireland’s total landmass and one third of the national population.
60. The RSES Vision for the Southern Region is as follows;
- Nurture all our places to realise their full potential;
 - Protect and enhance our environment;
 - Successfully combat climate change;
 - Achieve economic prosperity and improved quality of life for all our citizens;
 - Accommodate expanded growth and development in suitable locations; and
 - Make the Southern Region one of Europe’s most creative, innovative, greenest and liveable regions.



RPO 89 Building Resilience to Climate Change

a. It is an objective to support measures to build resilience to climate change throughout the Region to address impact reduction, adaptive capacity, awareness raising, providing for nature-based solutions and emergency planning;

RPO 111 Water Resources

It is an objective to ensure the efficient and sustainable use and development of water resources and water services infrastructure to manage and conserve water resources in a manner that supports a healthy society, economic development requirements and a cleaner environment.

61. Section 8.1 of the RSES describes the strategy for the sustainable management of water supply and wastewater needs. It states that it is a key priority to ensure targeted investment to enable growth at appropriate location, and that development is phased as such that water services infrastructure is delivered in a timely manner to enable infrastructure led sustainable growth patterns. It lists the Proposed Project as one of the significant water infrastructure projects that will be required to support planned development and maintain and improve existing services.

Water Supply Project for the Midlands and Eastern Region including key enabling infrastructure to benefit communities adjacent to the pipeline route in accordance with the sustainable approach set out by the NPF (NSO 9).

RPO 208 Irish Water and Water Supply

It is an objective to:

- a. Support the implementation of Irish Water Investment Plans (prepared in five-year cycles) and subsequent investment plans and seek such plans to align the supply of water services with the settlement strategy and objectives of the RSES and Metropolitan Area Strategic Plans for Cork, Limerick-Shannon and Waterford;*
- b. Support the role of Irish Water Investment Plans in taking into account seasonal pressures on critical service infrastructure, climate change implications and leakage reduction in the design of all relevant projects;*
- c. Deliver and phase services, subject to the required appraisal, planning and environmental assessment processes and shall avoid adverse impacts on the integrity of the Natura 2000 network;*
- d. Local Authority Core Strategies shall demonstrate compliance with DHPLG Water Services Guidelines for Planning Authorities and demonstrate phased infrastructure led growth to meet demands on the water supply, suitability of new and/or existing drinking water sources (for example hydro morphological pressures) and prevent adverse impacts on the integrity of water dependent habitats and species within the Natura 2000 network.*

RPO 209 Strategic Water Supply Projects

It is an objective to support investment and the sustainable development of strategic water supply projects by Irish Water and relevant local authorities, arising from initiatives including Investment Plans, 25 Year Water Supply Plans for our Region's cities and metropolitan areas, leakage reduction programmes and initiatives through the National Water Resources Plan subject to appropriate environmental assessment and the planning process.

The Proposed Project is clearly of strategic importance at a national and regional level as it is explicitly supported by policy and seen as a driver of development nationally.

Therefore, the Commission can decide to permit the proposed development notwithstanding any elements of the Proposed Project identified as not being in full accordance with individual policies and/or objectives of the various County Development Plans.

4.0 COUNTY DEVELOPMENT PLANS – OVERVIEW OF RELEVANT POLICIES

62. The Proposed Project will be one of the most significant linear infrastructural projects undertaken in the state, spanning an area of approximately 1,233 hectares (ha) across 6 County Council jurisdictions. As each county has its own Development Plan with various policies and objectives that are applicable to the Proposed Project, this assessment will be undertaken on a county-by-county basis.
63. As there are several recurring themes across the Development Plans, we have included an overall summary of these in Section 5 of the report.

4.1 Clare County Development Plan 2023-2029

64. The works associated with the Proposed Project in County Clare is limited to enabling infrastructural upgrades, namely upgrading of an existing 38kV ESB line between Ardnacrusha and Birdhill, County Tipperary. As such, the minor proposed works within County Clare are not considered to represent a material change to the character of the physical environment.
65. The Clare County Development Plan 2023-2029 came into effect on 20th April 2023. The accompanying SID Planning Report includes a summary of all relevant policies and objectives from the Clare County Development Plan as relating to the Proposed Project. Following review of the Development Plan and given the nature of the proposed works in Co. Clare, there were no areas identified where the Proposed Project has the potential to contravene the policies and objectives of the Development Plan.

4.2 Limerick Development Plan 2022-2028

66. The works associated with the Proposed Project in County Limerick is limited to enabling infrastructural upgrades, namely upgrading of an existing 38kV ESB line between Ardnacrusha, County Clare and Birdhill, County Tipperary. As such, the minor proposed works within County Limerick are not considered to result in a material change to the character of the physical environment.
67. The Limerick Development Plan 2022-2028 came into effect on 29th July 2022. The following represents the areas identified where the Proposed Project has the potential to not fully align with the policies and objectives of the Development Plan.

4.2.1 Environment, Heritage, Landscape and Green Infrastructure

Objective EH 05 - New Infrastructure Projects

“It is an objective of the Council to require new infrastructure and linear developments in particular, to demonstrate at design stage sufficient measures to assist in the conservation of and dispersal of species and to demonstrate a high degree of permeability for wildlife, to allow the movement of species and to prevent the creation of barriers to wildlife and aquatic life in the wider countryside.”

Objective EH O12 - Blue and Green Infrastructure

It is an objective of the Council to:

*...Promote connecting corridors for the movement of species and encourage the retention and creation of features of biodiversity value, ecological corridors and networks that connect areas of high conservation value such as woodlands, hedgerows, earth banks, watercourses, wetlands and designated sites. In this regard, **new infrastructural projects and linear developments in particular, will have to demonstrate at design stage, sufficient measures to assist in the conservation of and dispersal of species. Projects which would be detrimental to existing blue and green infrastructure features will not be permitted.***

Objective EH O18 - Riparian Buffers

“It is an objective of the Council to maintain riverbank vegetation along watercourses and ensure protection of a 20m riparian buffer zone on greenfield sites and sites are maintained free from development. Proposals shall have cognisance of the contents of the Inland Fisheries Ireland document Planning for Watercourses in Urban Environments.”

The components of the Proposed Project to be completed within County Limerick relate to approximately 2.3 km of the Proposed 38 kV Uprate Works of the existing Ardnacrusha – Birdhill Line. These works, to be delivered by ESBN, are necessary to deliver adequate electrical power to the RWI&PS and WTP.

A portion of the uprate works will cross the River Shannon on the border with Co. Clare but as these proposed works are of limited scale and to be carried out on existing infrastructure by ESBN, we consider that that this element of the Proposed Project will not materially contravene the above objectives and policies of the Limerick County Development Plan 2022 – 2028, namely **Objective EH O5 and EH O12**.

The proposed uprating works, while crossing the riparian buffer of the Old River Shannon, are minor and relate to the existing overhead line. Therefore, we do not consider that **Objective EH O18** would be contravened.

4.3 Tipperary County Development Plan 2022-2028

68. A significant proportion of the Proposed Project is to be located within County Tipperary. Several infrastructure sites and approximately 45km of pipeline would be located in the county. Also located in the jurisdiction of Tipperary County Council is the final portion of the proposed 38kV Uprate Works to facilitate the Proposed Project, power connections to the WTP and RWI&PS, as well as one Pipe Storage Depot in Carrigatogher, and 4 no. Construction Compounds at the infrastructure sites and an additional located at Lisgarraff.

- The RWRMs are routed primarily through local forestry and open agricultural grassland, crossing beneath one road.
- The Treated Water Pipeline from the WTP to the BPT generally traverses open agricultural grassland, with several road, rail, water and power crossings.
- The Treated Water Pipeline from the BPT to the County Offaly border is primarily routed through agricultural grassland, with one road and one water crossing in County Tipperary.

69. The *Tipperary Development Plan 2022-2028* was adopted on 11th July 2022. The following represents the areas identified where the Proposed Project has the potential to not fully align with the policies and objectives of the Development Plan.

Section 8.4.2 - Equine and Related Industries

*“Tipperary is internationally recognised for its bloodstock industry. Quality land coupled with an experienced labour force, whose tradition of working with horses has resulted in some of the world’s best breeding and training establishments being in the county. **The Council will seek to ensure that the vitality and viability of the equine industry is maintained through the appropriate management of the rural environment on which the equine industry is reliant. The Council will seek to protect, promote and enhance the development of the equine industry and to continue to promote the county as a recognised centre of excellence for the bloodstock industry and equine based leisure and tourism.**”*

We note the importance of the equine industry in Tipperary as reflected in Section 8.4.2. of the Tipperary County Development Plan and the need to protect its vitality and viability. It should be noted that the final alignment of the proposed pipeline has been arrived following consultation with multiple landowners, including those with equine operations, which has influenced several of the pipeline re-routes during the design process.

As part of the accompanying EIAR, additional receptor-specific analysis was undertaken for specialised equine and stud farm operations. This was not a separate assessment, but a refinement within the agricultural methodology, recognising the heightened sensitivity of horses to noise, vibration, and disturbance. A specialist equine veterinary consultant (EVC) applied equine-specific considerations reflecting horse health, welfare, and behavioural sensitivities, and the safety of handlers. These considerations followed the same overall methodology as the agricultural assessment (desktop study, farm walk, consultation with landholders, mapping review, and professional judgement), with additional factors such as potential for fright responses, foaling unit requirements, and adequacy of screening/fencing.

For equine enterprises, which are considered highly sensitive receptors, residual effects were identified and are detailed in Appendix A11.2.

During the Operational Phase: with equine-specific mitigation measures in place, most directly affected equine parcels are predicted to experience Not Significant or Slight (not significant) effects.

Therefore, it is our opinion that the Proposed Project will include significant mitigation measures and will not affect the industry to the extent that it would represent a contravention of the objectives of the TCDP in respect of equine industry. We consider that the Proposed Project can be realised while also safeguarding the Council’s aims to ensure the vitality and viability of the equine industry, as outlined in **Section 8.4.2** of the Plan.

Further details in relation to equine operations along the route are outlined in Chapter 11 of the EIAR.

4.3.2 Biodiversity and Ecological Corridors

70. In relation to Environment and Natural Assets, the Plan includes the following policies:

Section 3.7 - Biodiversity and Ecological Corridors

“In preparing plans for new developments, the loss of wildlife habitats and natural vegetation should be avoided so far as practicable to minimise any impact on biodiversity. Landscaping plans should be submitted in support of planning applications for multi-unit developments or for new commercial and industrial developments. Landscaping plans should provide for:

The retention of existing trees, hedgerows, ponds and other ecosystems where feasible and their replacement where possible.

A planting schedule of native trees, shrubs and plants; additional planting should be included in plans where there is an unavoidable impact on biodiversity.

Existing and proposed areas of open space shall, where possible, be linked with adjoining areas thus providing green linkages for wildlife habitats and improving walking and cycling permeability throughout the site.”

Policy 11 - 4

“(a) Conserve, protect and enhance areas of local biodiversity value, habitats, ecosystems and ecological corridors, in both urban and rural areas, including rivers, lakes, streams and ponds, peatland and other wetland habitats, woodlands, hedgerows, tree lines, veteran trees, natural and semi-natural grasslands in accordance with the objectives of the National Biodiversity Plan (DCHG 2017) and any review thereof.

(b) Safeguard, enhance and protect water bodies (rivers/canals/lakes) and river walks and to provide links, where possible, to wider green infrastructure networks as an essential part of the design process.

(c) Require an ‘Ecosystems Services’ approach for new development to incorporate nature-based solutions to SUDS, in so far as practical, as part of management systems, public realm design and landscaping, in line with best practice.

(d) Where trees or hedgerows are of particular local value, the Council may seek their retention, or where retention is not feasible, their replacement and will seek a proactive focus on new tree-planting as part of new development.”

The Proposed Project has avoided the loss of wildlife habitats where possible. However, given the linear nature of the Proposed Project and the need to traverse existing field boundaries there will be unavoidable temporary effects to existing hedgerows and/or ecological corridors along the alignment of the pipeline corridor.

Following the completion of construction, there will be replacement planting where the retention of hedgerows would not be possible. The planning application is accompanied by landscaping plans that describe the reinstatement of land following completion, in accordance with Section 3-7 of the TCDP. The landscape plans for the proposed infrastructure sites detail the planting schedule of trees and give

information on the type, predicted size and percentage of each species included in the native hedgerow to be planted.

As a result, the Proposed Project may be deemed to not fully accord with **Section 3-7** or **Policy 11-4** of the Development Plan. Given the temporary nature of such effects, being limited to the Construction Phase, we consider that should there be a contravention, that this would not be material. Section 3.7 addresses the matter of feasibility and in this regard the Commission will note that the delivery of the Proposed Project would not be feasible without a degree of impact to existing hedgerows and boundaries.

We also note the wording of Policy 11-4 (d) which refers to trees or hedgerows of particular local value and states that “where retention is not feasible” the Council will seek replacement and a proactive focus on new tree-planting as part of new development.

The reinstatement of linear habitats will be carried out on a ‘like-for-like’ basis (where feasible) and as per the Biodiversity Guidance for Uisce Éireann Developments. We refer to Chapter 4 (Project Description) of the accompanying EIAR which outlines the detailed proposals and proposed mitigation measures with regard to severed linear habitats.

In respect of Policy 11-4(a), we may be determined not to fully accord with the plan, given the need to remove hedgerows to construct the pipeline. However, given the comprehensive assessment, reinstatement plans, and landscaping of infrastructure sites, the losses are minimised, and it is not considered that the Proposed Project materially diverges from the policy.

The matter of hedgerow and boundary removal is one that has been raised by various parties during non-statutory consultation phases.

We do not consider that a contravention of **Section 3-7** or **Policy 11-4** will occur as a result of the Proposed Project. However, should the Commission determine any such contravention, we would not consider it to be material, as the applicant will ensure a proactive approach to replacement and reinstatement, as outlined in the accompanying EIAR and in accordance with **Policy 11-4 (d)**.

Policy 11 – 1

*“In assessing proposals for new development to balance the need for new development with the protection and enhancement of the natural environment and human health. **In line with the provisions of Article 6(3) and Article 6 (4) of the Habitats Directive, no plans, programmes, etc. or projects giving rise to significant cumulative, direct, indirect or secondary impacts on European sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be permitted on the basis of this Plan (either individually or in combination with other plans, programmes, etc. or projects).**”*

The Commission will be aware that the standard terminology with regard to the test for the potential impacts of a Proposed Project in the context of the Habitats Directive refers to significant adverse effects on the qualifying interests of a European site, either alone or in combination.

Screening for Appropriate Assessment was undertaken, and the findings of that report were that the possibility for the Proposed Project to have likely significant effects, either individually or in-combination

with other plans or projects on 19 European sites. The screening process involved assessing the likelihood of significant effects on European sites being assessed through a source-pathway-receptor model and mitigation measures were not considered.

The NIS prepared by Jacobs Tobin, has assessed the Proposed Project on the basis of the above and in accordance with the legislative requirements. It has examined, in light of best scientific knowledge, those European sites within the Zone of Influence of the Proposed Project the potential sources and pathways and how these could impact on the European sites' qualifying interest habitats and species and whether predicted impacts would adversely affect the integrity of European sites. Avoidance, design requirements and mitigation measures are part of the Proposed Project to ensure that any adverse effects (alone or in-combination with other plans or projects) on the integrity of the European sites will be avoided during the construction and operation of the Proposed Project. Therefore, the NIS has objectively concluded that the Proposed Project would not adversely affect (either directly or indirectly) the integrity of any European site, either alone or in-combination with other plans or projects and there is no reasonable scientific doubt in relation to the conclusion of the NIS.

For that reason, we do not consider that the Proposed Project could be deemed to contravene the above policy, noting that the NIS has not resulted in a finding of adverse effects to any of the qualifying interests in the 19 European Sites along the route.

4.3.3 Riparian Zones

Section 3.8 - Riparian Zones

*“It is through the conservation of ecological infrastructure such as hedgerows and riparian corridors that we protect bio-diversity. The preference will be to retain and protect existing riparian habitats while providing parks in waterside locations to maximise the potential linkages between landscape, natural heritage and recreational assets. **A riparian buffer strip of a minimum 10 metres either side of all watercourses (measured from top of bank) should be preserved free of development and of adequate width to permit access for river maintenance.**”*

Policy 11 - 7

“a) Ensure the protection of water quality in accordance with the EU WFD, and support the objectives and facilitate the implementation of the associated Programme of Measures of the River Basin Management Plan 2018-2021 and any successor. This includes contributing towards the protection of Blue-Dot catchments and drinking water resources. Also, have cognisance of the EU's Common Implementation Strategy Guidance Document No. 20 and 36 which provide guidance on exemptions to the environmental objectives of the WFD.

b) Support an integrated and collaborative approach to catchment management in accordance with the River Basin Management Plan 2018-2021 and any successor.

c) Require an undisturbed edge or buffer zone to be maintained, where appropriate, between new developments and riparian zones of water bodies to maintain the natural function of existing ecosystems associated with water courses and their riparian zones, and to enable sustainable public access.”

Section 3.8 of the Tipperary County Development Plan refers to the maintaining of riparian zones on either side of all watercourses. During the Operational Phase the proposed Raw Water Intake & Pumping Station (RWI&PS) will directly interface with Parteen Basin and will necessitate encroachment on the existing riparian buffer. At various appropriate locations along the route of the pipeline, there will be Permanent Discharge Locations with permanent outfalls, which would constitute development within 10m of watercourses.

The central aim of the Policy is to maintain the natural function of existing ecosystems associated with water courses and their riparian zones and to enable sustainable public access, and the Proposed Project will not impede this aim.

Water intakes and outfalls adjacent to the watercourse are an inherent and appropriate feature in water abstraction and water treatment processes. Therefore, we do not consider that the Proposed Project will contravene **Section 3.8** or **Policy 11-7**.

Where the pipeline is proposed to cross waterbodies, the majority will be carried out by open-cut methods, with a trenchless construction technique typically being employed for the large water body crossings.

Details in relation to crossings can be found in Chapter 5 (Construction & Commissioning) of the EIAR accompanying this application.

Any impacts from open cut crossings will be temporary and we consider that the Proposed Project aims can be met while also ensuring the appropriate protection of all watercourses along the route.

4.3.4 Strategic Road Network

Section 12.5.2 - Safeguarding the Strategic Road Network

*“It is a key aim of the Council to maintain and protect the safety, capacity and efficiency of national roads and associated junctions, avoiding the creation of **new accesses and the intensification of existing accesses to national roads**. New development proposals will be assessed having regard to Spatial Planning and National Roads: Guidelines for Planning Authorities (DECLG, 2012). The Council will seek to restrict access onto national routes in order to protect critical investment in infrastructure, route carrying capacity and the safety of road users. The Council has identified routes of strategic importance, by virtue of their significance in terms of connectivity between settlements, traffic volumes and role as scenic tourism routes within the county. These routes include all motorways, all national primary and secondary routes and heavily trafficked regional routes.”*

“In considering any ‘exceptional circumstances’ that may arise, resulting in a request for new access onto the National Road network, the Council will have consideration to Section 2.6: Exceptional Circumstances of the Spatial Planning and National Roads: Guidelines for Planning Authorities (DECLG, 2012) and the recommendation of TII. It should be noted that any ‘exceptional circumstance’ being considered in accordance with the Guidelines shall be included by way of variation in accordance with Section 13 of the Planning Act.”

Objective 12 – 4

“Maintain and protect the safety, capacity and efficiency of Tipperary’s roads network and associated junctions in accordance with the Spatial Planning and National Roads

*Guidelines for Planning Authorities, (DECLG, 2012) and the Trans-European Networks Regulations and to avoid **the creation of additional access points to national roads to which speed limits greater than 60kmh apply.***

We note that the creation of new access and intensification of existing accesses to national roads should be avoided in accordance with the above policies. During the Construction Phase of the Proposed Project, one of the four Construction Compounds located in Tipperary will be along the N52 National Secondary Road at Lisgarriff, with the others located at each of the infrastructure sites (RWI&PS, WTP, and BPT). We consider that this would not be conflicting with the Council's policies as outlined in **Section 12.5.2** as this will represent a temporary requirement and would fall within the category of exceptional circumstances as outlined later in the policy. **Objective 12-4** underlines to need to avoid the creation of such access points in order to maintain the safety, capacity and efficiency of the road network but does not preclude them. We therefore do not consider there to be a contravention of **Section 12.5.2** or **Objective 12-4**.

Indicative layouts have been prepared for each of the proposed Principal and Satellite Construction Compounds, including the aforementioned compound at Lisgarriff, and are included in EIAR Chapter 5 Figure 5.1 to Figure 5.8.

4.4 Offaly County Development Plan 2021-2027

72. The elements of the Proposed Project that will be located in County Offaly are the proposed Booster Pumping Station and approximately 85km of the Treated Water Pipeline. Also located in the jurisdiction of Offaly County Council are the proposed 6 no. Pipe Storage Depots and 2 no. Construction Compounds.
73. The *Offaly County Development Plan 2021-2027* came into effect on 22nd October 2021. The following represents the areas identified where the Proposed Project has the potential to not fully align with the policies and objectives of the Development Plan.

4.4.1 Hedgerows, Trees and Landscape features

Policy BLP-24

*“It is Council policy to support the **protection and management of existing networks of woodlands, trees and hedgerows** which are of amenity or biodiversity value and/or contribute to landscape character, and to strengthen local networks.”*

Policy BLP-39

*“It is Council policy to seek to ensure that local landscape features, including historic features and buildings, **hedgerow, shelter belts and stone walls, are retained, protected and enhanced** where appropriate, so as to preserve the local landscape and character of an area, whilst providing for future development.”*

Objective BLO-17

*“It is an objective of the Council to encourage pursuant to Article 10 of the Habitats Directive, the **management of features of the landscape, such as traditional field boundaries**, important for the ecological coherence of the Natura 2000 network and essential for the migration, dispersal and genetic exchange of wild species.”*

Objective BLO-18

*“It is an objective of the Council to encourage the retention, wherever possible, of hedgerows and other distinctive boundary treatment in the county. **Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, provision of the same type of boundary will be required of similar length and set back within the site in advance of the commencement of construction works on the site (unless otherwise agreed by the Planning Authority).**”*

Given the linear nature of the Proposed Project and the need to traverse existing field boundaries there will be unavoidable temporary effects to existing hedgerows and hedgerows along the alignment of the pipeline corridor that will need to be removed to allow the construction to take place. As a result, the Proposed Project may be deemed to not fully accord with **Policy BLP-24, Policy BLP-39, Objective BLO-17 and BLO-18.**

The retention, protection and enhancement of such features, as outlined in **Policy BLP-39** is sought, where appropriate. In this regard, the Commission will note that the delivery of the Proposed Project requires removal of existing hedgerows and boundaries during construction. Further to this, **Objective**

BLO 18 states that where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, provision of the same type of boundary will be required in advance of the commencement of construction works, where possible.

Due to the linear nature of construction related to the Proposed Project, replacement with the same type of boundary in advance of completion of the Construction Phase may not be fully achievable.

The reinstatement of linear habitats will be carried out on a 'like-for-like' basis (where feasible) and as per the Biodiversity Guidance for Uisce Éireann Developments. We refer to Chapter 4 (Project Description) of the accompanying EIAR which outlines the detailed proposals and proposed mitigation measures with regard to severed linear habitats.

Regarding **Objective BLO-17**, the Proposed Project has accounted for the management of landscape features within County Offaly. To this end, the Landscaping Plan for the Booster Pumping Station Site (Drawing 3215801/850/04009) has been prepared detailing the planting measures across the site including the type of hedgerow to be planted and the species making up the screen planting mix. This Plan includes the planting of hedgerows along the field boundaries east and west of the site on the northern side of the L3003.

The matter of hedgerow and boundary removal is one that has been raised by various parties during non-statutory consultation phases. However, following successful reinstatement and replacement where appropriate, the temporary disruption resulting from the construction of the Proposed Project is unlikely to give rise to significant impacts.

We do not consider that a contravention of **the above referenced policies and objectives** will occur as a result of the Proposed Project. Should the Commission determine any such contravention, we would not consider it to be material, as the applicant will ensure a proactive approach to replacement and reinstatement where appropriate and possible, albeit that such reinstatement may need to be post construction and potentially contravening **Objective BLO-18**.

4.4.2 Riparian Zones

BLO-12

*It is an objective of the Council to **maintain a riparian zone for larger and smaller river channels based on the Inland Fisheries Ireland updated guideline document, 'Planning for Watercourses in the Urban Environment, a Guide to the Protection of Watercourses through the use of Buffer Zones, Sustainable Drainage Systems, Instream Rehabilitation, Climate / Flood Risk and Recreational Planning'***

BLP-20

It is Council policy to preserve riparian buffer strips free from development by reserving a minimum of 10 metres either side of all watercourses (measured from top of bank) with the full extent of the protection determined on a case by case basis by the Council, based on site specific characteristics and sensitivities.

The design team for the Proposed Project has had numerous detailed discussions with Inland Fisheries Ireland to provide detail to them on the construction and operational activities that the Proposed Project will comprise. An overview of the water bodies that the Proposed Project will cross was presented and the mitigation was discussed in the context of the IFI Guidelines.

The underground pipeline will cross a number of water bodies due to its length, approximately 172km, however water bodies identified as having high ecological value and very likely to support important fish stocks will be crossed by trenchless excavation techniques, avoiding impacts on aquatic flora and fauna. Open-trench techniques will be used on the other water bodies which will have potential impacts associated with the short-term removal and disturbance of instream and riparian habitats. However, all works will be in accordance with IFI Guidelines and will be monitored by an Ecological Clerk of Works.

There are 39 permanent washouts to water crossings to mitigate an unforeseen event that during operation that sections of the pipeline would have to be drained down in a monitored phased process.

These permanent discharge locations with permanent outfalls, would constitute development within 10m of watercourses.

The central aim of the objective is to maintain the natural function of existing ecosystems associated with water courses and their riparian zones and to enable sustainable public access, and the Proposed Project will not impede this aim. We therefore do not consider a contravention of **Policy BLO-12** to arise.

Water intakes and outfalls adjacent to the water course are an inherent and appropriate feature in water abstraction and water treatment processes.

We consider that the Proposed Project aims can be met while also ensuring the appropriate protection of all watercourses along the route. We note that the Council refers to a need to determine on a case by case basis in **Objective BLP-20**. Full details are outlined in the various chapters of the accompanying EIAR. We therefore do not consider that the Proposed Project represents a contravention of the above objectives.

Details in relation to crossings can be found in Chapter 5 (Construction & Commissioning) of the EIAR accompanying this application.

4.5 Kildare County Development Plan 2023-2029

The elements of the Proposed Project in County Kildare are the proposed Flow Control Valve and approximately 40km of the Treated Water Pipeline. Also located in the jurisdiction of Kildare County Council are 2 no. proposed Pipe Storage Depots and one Construction Compound.

74. The *Kildare County Development Plan 2023-2029* took effect on the 28th January 2023. The following represents the areas identified where the Proposed Project has the potential to not fully align with the policies and objectives of the Development Plan.

4.5.1 Biodiversity

BI 07

Pursue insofar as possible and practical, a policy of biodiversity net gain through strategies, plans, developments, mitigation measures, appropriate offsetting and/or investment in Blue-Green infrastructure.

The Biodiversity chapter of the accompanying EIAR describes and assesses the likely direct and indirect significant effects of the Proposed Project on biodiversity, including interactions between flora and fauna, with particular attention to species and habitats protected under EU Directive 92/43/EEC (Habitats Directive) and EU Directive 2009/147/EC (Birds Directive).

To support the assessment, numerous surveys have taken place relating to biodiversity along the route of the Proposed Project. This includes surveys for habitats and plants (both terrestrial and aquatic), invertebrates, multiple aquatic species, invasive non-native aquatic and terrestrial species, breeding birds and wintering birds.

Mitigation measures form an intrinsic part of the design process and are put in place by a team of competent experts, with a suitably qualified Ecological Clerk of Works to oversee and implement all measures. Through the implementation of well-established approaches to mitigation, as outlined in Chapter 8 of the EIAR, it will be possible to reduce the impacts so as not to result in significant effects for the majority of ecological receptors, thereby minimising the potential for public concern.

The proposed works in County Kildare primarily comprise of the pipeline construction and therefore the majority of the land within the boundary of the works in Kildare will be reinstated and returned back to the landowners, and will not inhibit opportunities for biodiversity net gain. It should also be noted that policies within the Development Plan, namely objective **BI 07**, are aspirational in tone, seeking to move towards no net loss of biodiversity and to pursue this policy insofar as possible and practical.

Uisce Éireann is focused on biodiversity and has a Biodiversity Action Plan to align with Ireland's National Biodiversity Action Plan which is seeking to move toward no net loss. It is recognised by Uisce Éireann that infrastructural projects need to be accountable for biodiversity loss and has internal objectives under both its Sustainability Framework and Biodiversity Plans to be accountable to. In the case of the Proposed Project, habitat that is temporarily lost, such as due to the laying of the pipeline, will be replanted where it is feasible. At infrastructure sites where there is permanent loss, the landscaping plans have ensured that maximum ecological value is obtained from the habitat that is planted, for example, at the Flow Control Valve.

Given the nature of the Proposed Works within Co. Kildare, there are likely to be short term impacts to biodiversity along the route of the project during construction phase. However, lands along the route of the pipeline will be restored to their original state and the proposed FCV is a relatively small utility site. The Proposed Project does not therefore impede the objective of no net loss of biodiversity from being achieved and we do not consider that temporary construction based impacts are such as to result in a material contravention of the above objectives.

4.5.2 Hedgerows

Objective BI 026

“Prevent, in the first instance, the removal of hedgerows to facilitate development. Where their removal is unavoidable, same must be clearly and satisfactorily demonstrated to the Planning Authority. In any event, removal shall be kept to an absolute minimum and there shall be a requirement for mitigation planting comprising a hedge of similar length and species composition to the original, established as close as is practicable to the original and where possible linking to existing adjacent hedges. Ideally, native plants of a local provenance and origin should be used for any such planting. Removal of hedgerows and trees prior to submitting a planning application will be viewed negatively by the planning authority and may result in an outright refusal.”

BI 027

*Require the retention and appropriate management of hedgerows and to require infill or suitably sized transplanted planting **where possible** in order to ensure an uninterrupted green infrastructure network.*

LR 083

*Ensure development proposals provide for hedgerow and woodland creation and augmentation within developments at the start of the construction phase and encourage the block planting of woodland and the joining up of hedgerows and woodlands between developments in order to support habitat creation, **in so far as possible**.*

HO 053

Retain, sensitively manage and protect features that contribute to local culture heritage and distinctiveness including;

- *heritage and landscape features such as post boxes, pumps, jostle stones, etc.*
- **hedgerows and trees,**
- *historic and archaeological features and landscapes,*
- *water bodies,*
- *ridges and skylines,*
- *topographical and geological features and*
- *important scenic views and prospects*

Given the linear nature of the Proposed Project and the need to traverse existing field boundaries there will be unavoidable temporary effects to existing hedgerows, and as a result the Proposed Project may be deemed to not fully align with **Objective BI 026, BI 027** and related policies listed above. The wording of **Objective BI 026** makes allowance for circumstances where such removal is unavoidable and in such circumstances refers to mitigation planting comprising a hedge of similar length and species composition to the original, established as close as is practicable to the original and where possible linking to existing adjacent hedges.

The Proposed Project could be considered as not fully meeting Objective HO 053, however any hedgerows removal will be carried out sensitively and will be followed by reinstatement or replacement. This objective also needs to be considered in the context of BI 026, which acknowledges situations where removal is unavoidable. Therefore, it is not considered that the Proposed Project will materially contravene this objective.

The reinstatement of linear habitats will be carried out on a 'like-for-like' basis (where feasible) and as per the Biodiversity Guidance for Uisce Éireann Developments. We refer to Chapter 4 (Project Description) of the accompanying EIA which outlines the detailed proposals and proposed mitigation measures with regard to severed linear habitats.

We do not consider that a contravention of **Objective BI 026** or **BI 027** will occur as a result of the Proposed Project and where the Commission should determine any such contravention, we would not consider it to be material, as the applicant will ensure a proactive approach to replacement and reinstatement, as outlined in the accompanying EIAR and in accordance with the above policies. The matter of hedgerow and boundary removal is one that has been raised by various parties during non-statutory consultation phases. However, following successful reinstatement and replacement, the temporary disruption resulting from the construction of the Proposed Project is unlikely to give rise to significant reasons for public concern.

4.5.3 Peat

LR O13

Recognise that some cutaway and cut-over boglands may represent degraded landscapes and thus may potentially be fit to absorb a variety of development provided that the development proposal does not increase Green House Gas emissions or damage protected habitats or species. Projects which result in increases in ammonia emissions to watercourses will not be considered.

Objective LR O13 supports suitable development on degraded bogs subject to any works not increasing Greenhouse Gas (GHG) emissions or ammonia emissions to watercourses. As outlined in Chapter 9 (Water) of the accompanying EIAR, open-cut crossings in peat soils bring additional risks to water quality and hydromorphology. Water quality issues associated with peat include elevated levels of suspended solids, ammonia, phosphorus and dissolved organic carbon. The Construction Phase of the proposal includes 21 no. open cut crossings (across the entire scheme, including areas within County Kildare) directly in peat areas which have the potential to impact 12 high sensitivity WFD water bodies.

Chapter 9 (Water) of the EIAR outlines various mitigation measures to be employed during the Construction Phase as well as best practice measures that have been identified in consultation with BnM. Such measures include the interception of overland surface water runoff to temporary settlement lagoons and BnM silt ponds to ensure that standards set by the EPA for BnM to meet its Integrated Pollution Control licence requirements are met. With recommended mitigation in place as outlined in the EIAR Water Chapter and Surface Water Management Plan, detailed within the CEMP, it is envisaged that any residual effects will not be significant.

The peatlands crossed by the Proposed Project will not have their peat removed as it is proposed that all peat will be used for reinstatement along the pipeline and any surplus provided to BnM for reuse within their peatland rehabilitation schemes. The Proposed Project will not prevent the existing BnM's PCAS rehabilitation, whereby the lands will act as a carbon sink, and therefore it is not envisaged the Proposed Project will result in a net increase in GHG emissions. As such, we do not consider that the Proposed Project represents a contravention of **Objective LR O13**.

The Proposed Project has the potential to not fully accord with the objective, as written, in certain circumstances. However, the Proposed Project will comply with the standards set by the EPA in terms of the pollution control licencing that BnM operate in accordance with. We therefore do not consider any such potential contravention to be material.

4.5.4 Rivers

BI O41

Maintain riparian buffer zones and potential uses as identified in Table 12.4 when considering potential development and proposed development layouts within or adjacent to waterways.

IN 036

Require that development along urban watercourses comply with the Inland Fisheries Ireland Guidance: Planning for Watercourses in the Urban Environment (2020), including the maintenance of a minimum riparian zone of 35 metres for river channels greater than 10 meters in width, and 20 meters for river channels less than 10 metres in width. Development within this zone will only be considered for water compatible developments as defined in the OPW Planning System and Flood Risk Management Guidelines for Planning Authorities (2009).

Objective IN O6

*“Require an undisturbed edge or buffer zone to be maintained, where appropriate, having regard to the **riparian buffer zones** (Table 12.4 refers) to maintain the natural function of existing ecosystems associated with water courses and their riparian zones, and to enable sustainable public access. The width of the edge or buffer zone shall be determined during the appropriate environmental assessment such as EclA or AA.”*

Where the pipeline is proposed to cross other waterbodies, the majority will be carried out by open-cut methods, with a trenchless construction technique typically being employed for the large water body crossings.

Objective IN 036 refers specifically to urban watercourses which are not impacted by the Proposed Project. Any impacts from open cut crossings will be temporary and we consider that the Proposed Project aims can be met while also ensuring the appropriate Protection of all watercourses along the route in line with the Guidance published by Inland Fisheries Ireland. Undisturbed buffers and edges will be retained post construction and existing public access arrangements will also be retained.

It should also be noted that the Proposed Project represents a water compatible development.

Details in relation to crossings can be found in Chapter 5 (Construction & Commissioning) of the EIAR accompanying this application.

4.5.5 Drainage

Objective IN O21

*“Facilitate the development of nature based Sustainable Urban Drainage Systems, including the retrofitting of SuDS in established urban areas. **Culverting entire drains and streams will generally be prohibited**; interference with natural drainage systems is to be minimised and the Council will explore opportunities to remove culverted drainage systems in favour of open, natural drainage systems.”*

Objective IN O27

“Ensure that all development, including rural one-off residential developments will maintain existing surface water drainage systems, particularly at access points to the development.”

Chapter 5 of the accompanying EIAR outlines topsoil and subsoil management to be carried out at the Construction Compounds and Pipe Storage Depots (Section 5.8.3).

In relation to **Objective IN O21**, the FCV access road, and other paved areas have been designed to incorporate SuDS principles as recommended by the SuDS Manual (CIRIA 2015) in order to limit discharges of rainwater runoff from the FCV site to the equivalent greenfield site flow rate.

Objective IN O21 states that culverting entire drains will generally be prohibited. During the construction phase of the Proposed Project, any portions of existing land drains crossing the works areas are intended to be recorded and culverted. This will, however, be temporary and will be limited to works areas as necessary. The intention is that lands would be restored to their natural state following this. Culverting of entire drains and/ or streams will not be part of the proposal. As a result, it is considered that **Objective IN O21** is complied with.

In relation to **Objective IN O27** and as stated above, any works to existing drainage systems will be limited to working areas and will be temporary in nature. Therefore, it is considered that the objective is complied with.

4.6 South Dublin County Development Plan 2022-2028

75. The following elements of the Proposed Project are located within the jurisdiction of South Dublin County Council; Termination Point Reservoir (TPR) approximately 4km of the Treated Water Pipeline and a Construction Compound.
76. The *South Dublin County Development Plan 2022-2028* (referred to as the Development Plan herein) came into effect on 3rd August 2022. The following represents the areas identified where the Proposed Project has the potential to not fully align with the policies and objectives of the Development Plan.

4.6.1 Proposed Natural Heritage Area

77. The pipeline crosses the Grand Canal pNHA.

NCBH4 Objective 2

“To restrict development within or adjacent to a proposed Natural Heritage Area to development that is directly related to the area’s amenity potential subject to the protection and enhancement of natural heritage and visual amenities including biodiversity and landscapes. Such developments will be required to submit an Ecological Impact Assessment prepared by a suitably qualified professional.”

NCBH9 Objective 4

“To ensure that development along and adjacent to the Grand Canal protects and incorporates natural heritage features including watercourses, wetlands, grasslands,

woodlands, mature trees, hedgerows and ditches and includes an appropriate set-back distance or buffer area from the pNHA boundary to facilitate protected species and biodiversity and a fully functioning Green Infrastructure network.”

The Treated Water Pipeline from the BPT to the TPR would cross beneath the Grand Canal, using trenchless construction techniques, north-west of Allenwood in County Kildare, approximately 700m west of the BnM Bridge, Kilpatrick (WBX078). It would also cross beneath the Grand Canal a second time, approximately 700m south-west of Straleek, in South Dublin County (WBX088).

The Proposed Project may be seen to not fully comply with **NCBH9 Objective 4** specifically in relation to the maintaining of a buffer or set back. However, it should be noted that the objective does not include a specific measure of what would constitute an adequate buffer. Notwithstanding this, the Proposed Project will maintain a buffer, set back adequately from the canal and adjoining vegetation and will minimise effects on it by the use of trenchless crossing techniques. (See Appendix 5.4 of the accompanying EIAR).

The Proposed Project does not directly relate to the amenity potential of the Grand Canal pNHA, and as such it potentially contravenes **NCBH4 Objective 2**. We do not consider this to be material however, as the Proposed Development will not hinder the protection and enhancement of natural heritage and visual amenities including biodiversity and landscape.

The EIAR concludes that “Mitigation measures will be implemented to ensure the habitats and species supported by the pNHAs and NHAs within the ZoI of the Proposed Project would not be affected during the Construction Phase. Therefore, the Proposed Project would not result in any likely significant negative residual effects on any NHA or pNHA.”

4.6.2 Green Infrastructure

NCBH11 Objective 3: *To protect and retain existing trees, hedgerows, and woodlands which are of amenity and / or biodiversity and / or carbon sequestration value and / or contribute to landscape character and ensure that proper provision is made for their protection and management taking into account Living with Trees: South Dublin County Council’s Tree Management Policy (2015-2020) or any superseding document and to ensure that where retention is not possible that a high value biodiversity provision is secured as part of the phasing of any development to protect the amenity of the area.*

NCBH11 Objective 4: *To protect the hedgerows of the County, acknowledging their role as wildlife habitats, biodiversity corridors, links within the County’s green infrastructure network, their visual amenity and landscape character value and their significance as demarcations of historic field patterns and townland boundaries. (Refer also to Chapter 4: Green Infrastructure).*

GI2 Objective 2

*“To protect and enhance the biodiversity and ecological value of the existing GI network by protecting where feasible (and mitigating where removal is unavoidable) existing ecological features including tree stands, woodlands, **hedgerows** and watercourses in all new developments as an essential part of the design and construction process, such proactive approach to include provision to inspect development sites post construction to ensure hedgerow coverage has been protected as per the plan.”*

GI2 Objective 5

“To protect and enhance the County’s hedgerow network, in particular hedgerows that form townland, parish and barony boundaries recognising their historic and cultural importance in addition to their ecological importance and increase hedgerow coverage using locally native species including a commitment for no net loss of hedgerows on any development site and to take a proactive approach to protection and enforcement.”

Given the linear nature of the Proposed Project and the need to traverse existing field boundaries there will be a requirement for removal of existing hedgerows, and as a result the Proposed Project may contravene **GI2 Objective 2 and Objective 5**. Given the temporary nature of such effects, being limited to the Construction Phase, we do not consider this contravention to be material.

We also note the wording of **GI2 Objective 2** which states refers to ‘*protecting where feasible (and mitigating where removal is unavoidable)*’

NCBH11 Objective 4 does not include any wording relating to exceptions and as such it may be considered that the Proposed Project does not fully comply with **NCBH11 Objective 4**. However, this is not considered a material contravention in light of conflicting wording within other objectives in the Development Plan.

GI2 Objective 5 further refers to a commitment for no net loss of hedgerows on any development site. The Proposed Project would not result in net loss of hedgerows along the alignment of the pipeline within the county where reinstatement will occur. Lands along the route of the pipeline will be restored to their original state and any required hedgerow removal at the TPR site will be minimal. The Proposed Project does not therefore impede the objective of no net loss of hedgerows from being achieved and we do not consider that temporary construction based impacts are such as to result in a material contravention of the above objectives. The reinstatement of linear habitats will be carried out on a ‘like-for-like’ basis (where feasible) and as per the Biodiversity Guidance for Uisce Éireann Developments (UÉ-AMT-GL-021) (Uisce Éireann 2023b).

We do not consider that a contravention of **the above referenced policies and objectives** will occur as a result of the Proposed Project. Should the Commission determine any such contravention, we would not consider it to be material, as the applicants will ensure a proactive approach to replacement and reinstatement. The matter of hedgerow and boundary removal is one that has been raised by various parties during non-statutory consultation phases. However, following successful reinstatement and replacement, the temporary disruption resulting from the construction of the Proposed Project is unlikely to give rise to significant reasons for public concern.

5.0 SUMMARY OF RESPONSES TO DEVELOPMENT PLAN POLICIES

78. The policies and objectives from each of the Planning Authorities' Development Plans above have been addressed by category; Biodiversity, Riparian Buffer Zones, Trees and Hedgerows, Landscape and Visual, Grand Canal pNHA, and Peat.

5.1 Biodiversity

79. The Biodiversity chapter of the accompanying EIAR describes and assesses the likely direct and indirect significant effects of the Proposed Project on biodiversity, including interactions between flora and fauna, with particular attention to species and habitats protected under EU Directive 92/43/EED (Habitats Directive) and EU Directive 2009/147/EC (Birds Directive).
80. Mitigation measures form an intrinsic part of the design process and are put in place by a team of competent experts, with a suitably qualified Ecological Clerk of Works to oversee and implement all measures. Through the implementation of well-established approaches to mitigation, which will be implemented in accordance with best practice, it would be possible to reduce the impacts so as not to result in significant effects for the majority of ecological receptors.
81. Given the scale and geographic extent of the Proposed Project, it is inevitable that effects on Biodiversity will be experienced. The accompanying EIAR includes a comprehensive Biodiversity Chapter with extensive baseline surveying and detailed analysis of potential effects. The chapter also includes extensive mitigation measures aimed at minimising such effects. On the basis of this analysis and undertakings we consider that the Proposed Project would not materially contravene any of the policies contained in the various Development Plans relating to protection of biodiversity. Works relating to the proposed pipeline will be temporary in nature and lands will be reinstated to their original state following the construction phase. Equally, landscaping and reinstatement of ecological features where appropriate will be undertaken at the various infrastructural sites. The Proposed Project therefore does not hinder the achievement of biodiversity objectives, as stated in the various Development Plans.

5.2 Riparian Buffer Zones

82. The proposed development involves the abstraction of water from the Parteen Basin and therefore the RWI&PS site is proposed to be located directly at the water's edge.
83. Due to the scale and linear nature of the Proposed Project, the route of the pipeline inevitably involves several watercourse crossings. Where the pipeline is proposed to cross waterbodies, the majority will be carried out by open-cut methods, with a trenchless construction technique typically being employed for the large water body crossings.
84. Details in relation to crossings can be found in Chapter 5 (Construction & Commissioning) of the EIAR accompanying this application.
85. Any impacts from open cut crossings will be temporary and we consider that the Proposed Project aims can be met while also ensuring the appropriate protection of all watercourses along the route.
86. The primary aim of **Objective 11-7(c)** of the Tipperary County Development Plan for example is to maintain the natural function of existing ecosystems associated with water courses, while **BLP-20** in the Offaly County Development Plan refers to the need to assess on a case by case basis. Kildare

County Plan **Objective IN 06** refers to the maintenance of such buffers, where appropriate. On this basis, the Proposed Project is not deemed to contravene the policies contained in the various Development Plans relating to protection of riparian corridors.

5.3 Trees and Hedgerows

87. The removal of some hedgerows and trees will be necessary for the delivery of the Proposed Project as it would not be possible to preserve all existing within the planning application boundary.
88. Hedgerows are recognised for their importance as a biodiversity rich natural asset that plays a significant role in the ecosystem. Therefore, mitigation methods have been incorporated into the design and routing of the Proposed Project to minimise the impact on hedgerows.
89. Replanting of habitats and replacement trees for those felled will take place on a like-for-like basis in accordance with regulations by an Ecological Clerk of Works (ECoW) and taking into consideration the All-Ireland Pollinator Plan 2021-2025, NBDC 2021, and the Pollinator Friendly Planting Code NBDC 2022 to ensure locally sourced appropriate native species which are in line with the existing genetic strain used.
90. The Proposed Project could be deemed to contravene the policies contained in the various Development Plans along the route of the pipeline and main infrastructural sites (Tipperary, Offaly, Kildare and South Dublin) relating to protection of trees and hedgerows. **Policy 11-4** in the Tipperary Plan seeks to conserve, protect and enhance ecological corridors but also acknowledges situations where retention is not feasible. **Objective BLO-18** of the Offaly County Development Plan also references situations where removal is unavoidable. **Objective BI-026** of the Kildare Development Plan and **GI2 Objective 2** of the South Dublin County Development Plan include similar wording. Therefore, on balance we do not consider that removal of trees, hedgerows or other boundaries required to facilitate the Proposed Project could be considered a contravention of the respective plans. Should the Commission find that any of these objectives or policies have been contravened, it is our view that any such contravention would not be material, as the proposed like for like reinstatement following the Construction Phase should be sufficient to allay any public concerns.

5.4 Landscape and Visual

91. A Landscape and Visual Impact Assessment (LVIA) was undertaken for the EIAR accompanying this application assessing the Proposed Project's likely significant effects in a landscape context.
92. Architectural input has been provided in respect of the RWI&PS and WTP structures, as they are substantial scale features of the Proposed Project located in sensitive landscape settings. The Project Architects considered the arrangement, scale, form and colour scheme of the buildings in conjunction with input from the Project Landscape Architects and Engineers.
93. The LVIA concluded that the Proposed Project would result in *“negative adverse landscape and visual effects prior to mitigation; however, they are not deemed to be significant.”* The mitigation measures will result in a general reduction to the magnitude of visual impacts and would help the Proposed Project to integrate into the wider landscape fabric. There would be no significant residual landscape and visual effects from the Proposed Project during the Construction or Operational Phases.

94. As a result, the Proposed Project does not, in our view, materially contravene any of the landscape related policies in any of the respective Development Plans.

5.5 Grand Canal pNHA

95. The pipeline traverses the Grand Canal pNHA on three occasions, twice at Kilpatrick in County Kildare and once at Colganstown, County Dublin. The main channel of the Grand Canal would be crossed by trenchless excavation which would prevent the disruption to aquatic habitats. The locations for drill rig positioning and the launch and reception pits would be chosen or engineered such that the fall is away from the water body (IFI 2016), or as otherwise agreed with IFI during the Construction Phase. Using this technique, there would be no significant effects on the hydrology, water quality or geomorphology of the watercourse being crossed.
96. Whilst the routing of the pipeline traverses the pNHA, it is not anticipated that there will be any impacts on the biodiversity, ecological, geological or landscape value of the pNHA. The Grand Canal crossing is intended to be carried out using trenchless technology thereby reducing the potential for any impacts (See Appendix 5.4 of the accompanying EIAR).
97. Furthermore, due to the nature of the Proposed Project, the construction and operation of the development would not impact the area's amenity potential in terms of the protection and enhancement of natural heritage and visual amenities including biodiversity and landscapes.
98. Chapter 8 of the EIAR assesses the potential impacts of the Proposed Project on the Grand Canal pNHA and measures the residual effects post mitigation measures. Section 8.11.1.1 concludes that *"the Proposed Project would not result in any likely significant negative residual effects on any NHA or pNHA."*
99. The NIS submitted as part of this application concluded that *"with the implementation of mitigation measures proposed, that the Proposed Project would not adversely affect (either directly or indirectly) the integrity of any European Site, either alone or in combination with other plans or projects. There is no reasonable scientific doubt in relation to this conclusion."*
100. Therefore, while the proposed development will traverse the Grand Canal pNHA, we consider that this aspect of the Proposed Project would not materially contravene **NCBH4 Objective 2** and other related policies of the South Dublin County Development Plan relating to the protection of the Grand Canal pNHA.

5.6 Peat

101. The Proposed Pipeline is routed through eight bogs which are included in BnM's ownership (as well as other privately owned bogs) that would have previously been harvested for peat extraction. These bogs are included in BnM's Peatlands Climate Action Scheme (PCAS)⁴, aimed at ensuring environmental stabilisation of the former industrial peat production areas.
102. In each of the rehabilitation plans, BnM has accounted for the Proposed Project and has not included any rehabilitation works within the footprint of the Proposed Project, stating that:

⁴ <https://www.bnmpcas.ie/introduction/>

103. *“Bord na Móna do not propose to carry out any rehabilitation works within the footprint of the proposed Water Supply Project – Eastern and Midlands Region until a decision has been made by the relevant authorities in relation to the statutory consent applications for the project.”*
104. Peat had been extracted from these BnM bogs under Integrated Pollution Control (IPC) licences issued and administered by the Environmental Protection Agency. As part of Condition-10 of this licence, decommissioning and rehabilitation must be carried out when industrial peat production ceases. The Peatlands Climate Action Scheme (PCAS) has been developed by BnM to optimise ecosystem service benefits of peatland rehabilitation and restoration, particularly carbon storage and reducing carbon emissions. The preparation of the PCAS has fully considered the routing of the Proposed Project.
105. The various Development Plans contain policies on protection of peatlands and these have been summarised in the accompanying SID Planning Report, prepared by Tom Phillips + Associates which demonstrated that the Proposed Project largely complies with these policies and objectives. For the purposes of this statement, **Objective LR 013** from Kildare County was assessed as it specifically refers to development on these lands that may increase Green House Gas emissions or result in increases in ammonia emissions to watercourses.
106. With recommended mitigation in place, it is envisaged that any residual effects will be not significant. In addition, as all peatlands will be restored to their original state following construction and will be subject to BnM’s PCAS rehabilitation, whereby the lands will act as a carbon sink, it is not envisaged the Proposed Project will result in a net increase in GHG emissions. As such, we do not consider that the Proposed Project represents a contravention of **Objective LR013**.

6.0 CONCLUSION

107. Further to our analysis and assessment, it is our determination that there is potential for the Proposed Project to be deemed to not fully align with a small number of policies and objectives within the various County Development Plans, as identified in this Report. Nevertheless, we do not consider that the Proposed Project would result in a material contravention of any of the policies or objectives of the Clare County Development Plan (2023-2029), the Limerick Development Plan (2022-2028), the Tipperary County Development Plan (2022-2028), the Offaly County Development Plan (2021-2027), the Kildare County Development Plan (2023-2029) or the South Dublin County Development Plan (2022-2028).
108. The policies and objectives at a national and regional level provide justification for the Proposed Project. The National Planning Framework emphasises the importance of a sustainable water supply for the Eastern and Midlands Region to support a growing population and enable economic growth. The Proposed Project is named as one of the priorities of the NPF and as a key enabler for future growth in the Greater Dublin Area.
109. In addition to the National Planning Framework, the National Development Plan describes the valuable investment in the Proposed Project as delivering ‘critical outcomes for customers and communities’ and that investment will continue to be prioritised to improve water quality, having also recently been afforded significantly more funding.
110. The EMRA RSES names the Proposed Project as one of the key projects for the region to support planned development and to maintain and improve existing services, and the SRA RSES describes the Proposed Project as ‘key enabling infrastructure’.
111. The supporting policies and objectives in the National Planning Framework, National Development Plan and the EMRA and SRA RSES’s demonstrate that the Proposed Project is of national and strategic importance.
112. The Proposed Project also aligns with National Climate policy, as outlined in the Climate Action Plan, National Adaptation Framework and the Sectoral Adaptation Plan. The Proposed Project and its implementation by Uisce Éireann should also be viewed in the context of the recent Coolglass Judgment⁵ which underlines the responsibility of relevant bodies to perform their respective functions in a manner that is consistent with climate action plans, strategies and national climate objectives. The Judgment represents a notable shift-change towards a strong presumption in favour of permission for climate mitigating and decarbonisation projects.
113. Ultimately, it is a matter for An Coimisiún Pleanála to determine whether the Proposed Project in fact materially contravenes the relevant Development Plans or any other relevant planning policy documents.
114. Notwithstanding, should the Commission identify any aspects of the proposal that may contravene objectives or policies in the respective Development Plans, permission should be granted on the grounds that it would be acceptable in order to secure the Strategic National Objective of delivering the Proposed Project.

⁵ [Coolglass v ABP \[2025\] IEHC 1](#)



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