

Our Case Number: ACP-323980-25



**An
Coimisiún
Pleanála**

Garrett Reil and Cliona Geary
12 Ard Coillte
Balinna
Co. Tipperary

Date: 04 August 2026

Re: Proposed Water Supply Project for the Eastern and Midlands Region
in the counties of Clare, Limerick, Tipperary, Offaly, Kildare, and Dublin.

Dear Sir / Madam,

An Coimisiún Pleanála has received your submission in relation to the above-mentioned proposed development and will take it into consideration in its determination of the matter.

The Commission will revert to you in due course in respect of this matter.

Please be advised that a copy of all submissions/observations received in relation to the application will be made available for inspection on the Commission's website at the following link:
<https://www.pleanala.ie/en-ie/case/323980>.

If you have any queries in the meantime, please contact the undersigned officer of the Commission. Please quote the above mentioned An Coimisiún Pleanála reference number in any correspondence or telephone contact with the Commission.

Yours faithfully,

Eimear Reilly
Executive Officer
Direct Line: 01-8737184

PA09

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Eimear Reilly

From: LAPS
Sent: Tuesday 21 July 2026 10:48
To: Eimear Reilly
Subject: FW: ACP-323980-25 Proposed Water Supply Project for Eastern & Midlands Region
FAO: Eimear Reilly
Attachments: Response_to_Applicant_ACP-323980-25.pdf

-----Original Message-----

From: Garrett Reil <garrettreil@me.com>
Sent: Tuesday 21 July 2026 10:46
To: LAPS <laps@pleanala.ie>
Cc: Cliona Geary <cgeary@me.com>; Communications <communications@pleanala.ie>
Subject: RE: ACP-323980-25 Proposed Water Supply Project for Eastern & Midlands Region
FAO: Eimear Reilly

[You don't often get email from garrettreil@me.com. Learn why this is important at
<https://aka.ms/LearnAboutSenderIdentification>]

Caution: This is an External Email and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Dear Sir/Madam

In response to the Commission's letter of 24 June 2026 (and as corrected 26 June 2026) inviting submissions on the applicant's Response to Submissions. Please see the response letter attached (PDF document).

Your ref: Case Number ACP-323980-25

If you could confirm receipt of email by return, we would greatly appreciate it.

Many thanks
Garrett

Garrett Reil & Cliona Geary

Garrett Reil & Cliona Geary
12 Ard Coillte
Ballina, Co Tipperary
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21 July 2026

-

An Coimisiún Pleanála
64 Marlborough Street
Dublin 1

Re: ACP-323980-25 – Proposed Water Supply Project for the Eastern and Midlands Region in the counties of Clare, Limerick, Tipperary, Offaly, Kildare, and Dublin

Response to the Applicant's Response to Submissions Report (6 May 2026) and Supplementary Response to Submissions Report (2 June 2026)

Dear Sir/Madam,

I/we refer to the Applicant's Response to Submissions Report dated 6 May 2026 and the Supplementary Response to Submissions Report dated 2 June 2026, prepared by Jacobs on behalf of Uisce Éireann, in respect of the above application. This submission is made in response to An Coimisiún Pleanála's invitation to comment on those documents.

This response does not repeat the grounds set out in our original observation (WSP_SUB_48). Rather, it identifies specific respects in which the Applicant's response fails to adequately address the substantive concerns raised, introduces new information that strengthens those concerns, and highlights internal contradictions and gaps in the Applicant's position. It also draws on the Applicant's responses to other observers where those responses reveal inadequacies relevant to our grounds.

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1. The alternatives assessment remains inadequate

The Applicant's response to concerns about the adequacy of the alternatives assessment relies on a single proposition, repeated verbatim across at least six sections of the report (Sections 5.2.1.1, 5.2.2.1, 5.2.3.1, 5.2.4.1, 5.2.5.1, and 5.2.6.1): that the National Water Resources Plan (NWRP), including the Eastern and Midlands Plan, 'confirmed the need for a New Shannon Source with Transfers' and therefore 'the assessment of reasonable alternatives in respect of the Proposed Project did not re-consider strategic alternatives that had been considered and discounted by the NWRP.'

I/we submit that this position does not sit comfortably with the requirements of the EIA Directive. The Directive (2011/92/EU, as amended by 2014/52/EU) requires a description of 'the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics' (Annex IV, paragraph 2). Our understanding is that this calls for a genuine and meaningful assessment at project level, and that reliance on a prior strategic assessment carried out under the SEA Directive does not in itself discharge that obligation, the two being separate legal instruments with distinct requirements. We would respectfully ask An Coimisiún Pleanála to satisfy itself on this point.

The difficulty with the Applicant's position is that it creates a closed loop: the NWRP is treated as having settled the question, and the EIAR is treated as implementing a decision already made. But a strategic plan that was subject to SEA does not immunise the implementing project from a genuine alternatives assessment under EIA. If it did, the EIA Directive's requirement to assess alternatives would be rendered meaningless for any project that flows from a strategic plan – which would include the majority of major infrastructure projects.

The Applicant's approach is particularly concerning in this case because material new information has emerged since the NWRP was adopted. The Kennedy Analysis identified three mathematical errors in the demand forecasting that underpins the supply-demand balance. If those errors are material – and they have not been rebutted – then the premise on which the NWRP concluded a New Shannon Source was required is itself in question. An alternatives assessment that refuses to examine this on the grounds that the NWRP is a settled decision is not a genuine assessment within the meaning of the EIA Directive.

2. The Kennedy Analysis demand errors remain unaddressed

The Applicant's only engagement with the Kennedy Analysis appears in a footnote (footnote 1, page 31 of the Response to Submissions Report), which states: 'The Applicant previously responded to Kennedy Analysis claims regarding the need for the Proposed Project as part of responses to consultation submissions on previous iterations of the project, and in response to consultation submissions on the NWRP and on the RWRP for the East and Midlands Region.'

This is not a response. It is a statement that a response was given at some earlier, unspecified stage, without disclosing the content of that response, the substance of the rebuttal, or whether the specific mathematical errors identified by Kennedy Analysis were accepted, corrected, or explained. Our original observation cited three specific errors in the demand forecasting methodology. When those errors are corrected, the projected 255 million litre per day deficit becomes a surplus – without the pipeline.

The Applicant has been given an express opportunity by An Coimisiún Pleanála to respond to the issues raised in submissions. The Kennedy Analysis was raised not only in our submission but in several others. A footnote referencing an earlier, undisclosed response to a different process is not an adequate engagement with a submission that challenges the fundamental demand justification for the project.

I/we respectfully submit that An Coimisiún Pleanála should require the Applicant to provide a substantive, transparent response to the specific mathematical errors identified by Kennedy Analysis, and to demonstrate that the supply-demand balance holds when those errors are corrected. If it does not, the justification for the project is materially undermined.

3. The low-flow rebuttal addresses the wrong claim

Section 1.4.6 of the Response to Submissions Report addresses the '30% reduction' concern. The Applicant states (paragraph 31): 'Multiple responses have referred to a 30% reduction in the minimum statutory compensation flow down the Old River Shannon' and responds that 'it is not correct that there would be a 30% reduction in the minimum statutory compensation flow during a drought event' because the statutory minimum will be maintained using Parteen Basin storage.

This rebuttal addresses a different formulation of the concern from the one raised in our submission and in other observers' submissions. Our submission cited EPA licensing data showing that the Q95 low-flow statistic for the Lower Shannon is approximately 12.53 m³/s. At Q95 conditions, a continuous abstraction of 3.82 m³/s represents 30.5% of actual river flow. This is a statement about the proportion of the river's flow being removed, not about the statutory compensation flow at the weir.

The distinction is critical.

The Applicant's defence relies on the proposition that Parteen Basin storage acts as a buffer, maintaining the statutory minimum compensation flow regardless of abstraction. But this addresses only the engineered flow regime downstream of the weir. It does not address the ecological significance of removing nearly a third of the river's natural flow at low-flow conditions. The Water Framework Directive requires assessment of whether an abstraction will cause deterioration of ecological status, and the relevant metric for that assessment is the proportion of actual flow being removed – not whether an engineered compensation flow can be maintained at a statutory minimum that was set in 1925 for the purposes of electricity generation, not ecological protection.

The Applicant's response confirms (paragraph 34) that during drought, the abstraction would be met from Parteen Basin storage, resulting in 'a lowering of the water level compared with baseline drought conditions.' This is an acknowledgment that the abstraction has an impact during drought. The question is whether that impact has been adequately assessed against WFD quality elements – and the Applicant's failure to engage with the Q95 data suggests it has not.

Furthermore, the EPA's own Cycle 3 catchment assessments (May 2024) show that only 44% of surface water bodies in the Lower Shannon and Mulkear catchment, and just 38% in the Lower Shannon (Lough Derg) catchment, were at Good or High Ecological Status in the 2016–2021 monitoring period. The receiving environment is already under pressure. The Applicant's assertion that changes are 'within natural variability' must be tested against the reality that more than half of the affected water bodies are already failing their WFD objectives.

4. The fish passage cumulative impact is a legal obligation, not a policy choice

The Applicant's response to concerns about fish passage and salmon restoration is, in our submission, the most significant inadequacy in the Response to Submissions Report.

In response to submissions from multiple observers – including ourselves, the Killaloe Ballina District Angler's Association, the River Shannon Environmental Protection Alliance, Friends of the Irish Environment, and others – the Applicant states (paragraph 998): 'this matter falls outside the scope of the Water Framework Directive assessment for the Proposed Project.' The Applicant continues (paragraph 1000): 'these issues must be addressed at a programmatic level; they are not issues which are to be addressed or resolved at a project specific level and in this instance they are not issues for the Proposed Project to address.'

I/we submit that this position does not sit comfortably with the requirements of the Habitats Directive. Article 6(3) requires that any plan or project likely to have a significant effect on a European site must be subject to an Appropriate Assessment, and that assessment must consider the effects of the project 'in combination with other plans or projects.' This is not a discretionary exercise. It is a mandatory legal requirement.

The ESB Fish Passage Project is a live project aimed at restoring salmon passage on the Shannon. Salmon numbers ascending the Ardnacrusha fish lift have collapsed from approximately 12,000 in 1964 to 123 in 2024. Restoration requires significantly increased flows through the Old River Shannon channel. The statutory minimum compensation flow of 10 m³/s, set under the Shannon Electricity Act 1925, is widely acknowledged to be ecologically inadequate – restoration scenarios require flows of 50 m³/s or more. Both the proposed abstraction and the fish passage restoration project draw on the same water from the same location. They are in direct competition.

The Applicant cannot discharge its obligations under Article 6(3) by characterising a competing project as a 'legacy impact' or a 'programmatic' matter. The in-combination assessment must consider whether the proposed abstraction, together with the fish passage project's requirement for increased flows, could adversely affect the integrity of the Lower River Shannon SAC. The NIS does not contain this assessment. The Response to Submissions Report does not remedy this omission. Instead, it explicitly states that it is 'not an issue for the Proposed Project to address' – which is a statement that the legally required in-combination assessment has not been, and will not be, carried out.

This is a matter on which Councillor Dr Phyll Bugler's submission (WSP_SUB_37) is also relevant. Dr Bugler argued that granting permission would breach eight EU legal frameworks, including the Habitats Directive. The Applicant's response disperses her arguments across multiple thematic chapters rather than addressing the cumulative legal challenge directly. The fish passage issue illustrates precisely the kind of deficiency she identified: a failure to meet the mandatory requirements of the Habitats Directive at the project level, on the basis that the issue should be dealt with elsewhere.

5. International best practice response is superficial

Our original observation argued that the Proposed Project represents a significant departure from international best practice in water resource management. The Applicant's response (paragraphs 228–231) cites the UK Environment Agency's 'Clearing the Waters for All' guidance and the Water Status Impact Assessment Report, and asserts that the project 'demonstrates compliance with best practice in urban water resource management.'

This response does not engage with the substance of our argument. Our submission cited the International Water Association, the World Bank, the American Water Works Association, and the US Environmental Protection Agency – all of which establish demand management, leakage reduction, and conservation as the first priority in water resource planning, with inter-basin transfers treated as a measure of last resort to be pursued only after demand-side measures have

been fully implemented. The Applicant's response does not mention any of these frameworks or explain why departing from them is justified.

It is also notable that the two authorities the Applicant relies upon for 'best practice' are both drawn from a single jurisdiction – the UK – whose water sector is presently the subject of sustained criticism regarding river and coastal water quality, regulatory oversight, and the financial stability of its utilities. Reliance on UK procedural guidance, in preference to the internationally recognised frameworks cited in the submissions, is a curious basis on which to assert compliance with international best practice.

Our submission also cited peer-reviewed evidence from specific inter-basin transfer projects – including Spain's Tagus-Segura transfer (where the donor river dried up in 2006 while transfers continued) and China's South-to-North Water Transfer (where donor basins experienced water stress during dry seasons). These case studies demonstrate that the ecological risks of inter-basin transfers are well documented in the international literature. The Applicant's response does not address any of this evidence.

Asserting compliance with best practice is not the same as demonstrating it. An Coimisiún Pleanála is entitled to expect the Applicant to engage with the specific international frameworks and evidence cited in the submissions, not simply to restate a conclusion.

6. The Applicant's own response reveals further concerns

6.1 Continuous abstraction during drought

The Applicant confirms (paragraph 568, in response to Limerick County Council) that the abstraction will be 'continuous 24 hours a day' including during drought and low-flow periods. This confirms that the Proposed Project offers no mechanism for reducing or ceasing abstraction during periods of environmental stress. There is no flow-dependent trigger, no drought protocol, and no mandatory cessation threshold written into the project design. Our original observation raised this as a concern under the heading of non-binding mitigation measures, and the Applicant's response confirms rather than addresses it.

6.2 Information withheld from prescribed bodies

The Applicant acknowledges (6 May 2026 cover letter, page 1) that 'some observations requested the provision of additional information, for example, TII and Tipperary County Council' but that 'no new information has been provided as per the instructions received from an Coimisiún.' While this reflects the procedural constraint imposed by An Coimisiún Pleanála, it means that prescribed bodies with specific technical concerns have not received the information they requested. An Coimisiún Pleanála may wish to consider whether this constraint has resulted in material information gaps that affect the adequacy of the assessment.

6.3 Use of AI for initial review of statutory submissions

The Applicant states (paragraph 10) that 'an initial review of the submissions was undertaken to identify the main issues raised' using 'the ChatGPT tool'. The tool 'grouped submissions into themes' and the output was 'then manually audited by the Project Team'. Our concern is not with efficiency but with the risk that the thematic grouping process – which determines how submissions are categorised, and therefore how they are responded to – may have caused nuanced or cross-cutting arguments to be fragmented across chapters rather than addressed as

coherent submissions. This is observable in the treatment of several submissions, including that of Councillor Dr Phyll Bugler (WSP_SUB_37), whose argument that granting permission would breach eight distinct EU legal frameworks is dispersed across at least twelve chapters and never addressed as a single, cumulative legal challenge.

6.4 Demonstrated failure to maintain resilient supply in the donor region

The Applicant's case rests substantially on its claimed ability to deliver and operate a resilient, climate-secure water supply at the scale of half the State's population. That claim must be weighed against its demonstrated record in the very region it proposes to abstract from.

The Newport Public Water Supply, which serves approximately 8,000 customers in Newport, Birdhill, Ballina, Gortybrigane, Ballinahinch and Killoscully – the immediate area of the proposed abstraction and water treatment plant – has been subject to three separate Boil Water Notices in the first half of 2026 alone. A notice imposed in late January was lifted on 4 February 2026; a further notice was issued on 3 May and lifted on 7 May; and a third notice was issued on 20 May and only lifted on 2 July 2026, lasting approximately six weeks. In each case, the cause cited by Uisce Éireann was a deterioration in raw water quality affecting treatment at the plant, and in the January and February instances this was expressly attributed to heavy rainfall.

This record is directly relevant to the assessment of the Proposed Project for two reasons. First, it underlines the regional inequity at the heart of the proposal: the communities being asked to host the construction of, and bear the long-term environmental risk from, a €5–10 billion transfer to Dublin cannot themselves rely on safe drinking water from their existing supply. Second, and more fundamentally, it undermines the Applicant's central claim of climate resilience. The Applicant repeatedly argues that the Proposed Project is necessary to provide resilience against climate change and more frequent extreme weather events. Yet the same organisation cannot keep a treatment plant serving 8,000 people operational when precisely that extreme rainfall arrives. The climate pressures relied upon to justify the project are the same pressures defeating the Applicant's existing infrastructure in the donor region.

The Applicant's response argues throughout that leakage reduction and treatment improvements are being progressed 'in parallel' with the Proposed Project as 'separate and necessary measures.' The repeated failure of the Newport supply is direct evidence that these parallel measures are not keeping pace with need in the donor region. An Coimisiún Pleanála is entitled to consider whether an organisation that cannot presently deliver a reliable, climate-resilient supply to 8,000 people in Tipperary has demonstrated the operational competence to justify confidence in a project of this scale and complexity.

6.5 Cost-benefit analysis credibility

The Applicant states (paragraph 129) that the cost-benefit analysis 'forecasts that the Proposed Project will deliver in excess of €10 of benefits for every €1 of costs.' This claim warrants scrutiny. The Preliminary Business Case was published in June 2024, when the cost estimate was €4.58–€5.96 billion. The project's cost has escalated from an original estimate of €800 million to €1.4 billion, and a worst-case scenario of €10 billion has been reported. If the cost-benefit ratio of 10:1 was calculated on the lower end of the range, the ratio at worst-case cost would be materially different. An Coimisiún Pleanála should be satisfied that the cost-benefit analysis has been updated to reflect the current cost range and has been stress-tested against the upper end of that range.

7. The decision delay and its implications

By letter dated 30 June 2026, An Coimisiún Pleanála – which had been due to determine this application by 2 July 2026 – wrote to all parties to confirm that it now intends to determine the application before 2 July 2027, a deferral of up to one year, on the basis that further consideration of the case is required. We submit that this further consideration should include, at a minimum:

- (a) Requiring the Applicant to provide a substantive response to the Kennedy Analysis demand forecasting errors, rather than a footnote referencing a prior undisclosed response.
- (b) Requiring the Applicant to address the Q95 low-flow data from the EPA and explain why the abstraction of 30.5% of actual river flow at Q95 conditions is compatible with WFD objectives, rather than rebutting a different formulation of the 30% concern.
- (c) Requiring the Applicant to carry out the in-combination assessment under Article 6(3) of the Habitats Directive in respect of the ESB Fish Passage Project, rather than characterising this as a matter to be dealt with at a 'programmatic level.'
- (d) Considering whether an Oral Hearing is warranted, given the complexity of the issues raised, the number and substance of observations received, the scale of the project, and the fundamental disagreements between the Applicant and observers on matters of hydrology, ecology, and EU law.

8. Conclusion

The Applicant's Response to Submissions Report is a substantial document. However, substance and length are not the same thing. On the critical issues raised in our original observation – the adequacy of the alternatives assessment, the demand forecasting errors, the low-flow impact at Q95 conditions, and the cumulative impact with the Fish Passage Project – the Applicant's response either does not engage with the substance of the argument, addresses a different formulation of the concern, or asserts that the issue is not its responsibility.

The grounds set out in our original observation (WSP_SUB_48) remain valid and are, in our submission, strengthened rather than addressed by the Applicant's response. I/we respectfully request that An Coimisiún Pleanála give careful consideration to the matters raised in this submission and in our original observation when determining this application.

Yours faithfully,

Garrett Reil & Cliona Geary

Original observer(s), WSP_SUB_48