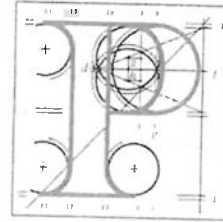


Our Case Number: ACP-323980-25

Please enter the content IF your condition is met



An
Coimisiún
Pleanála

James Cullen Snr..
Baltracey
Donadea
Kildare

Date: 13 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 recent 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 with regard to the matter.

It is noted your original submission was submitted by Gaynor Miller Ltd. on your behalf, all further correspondence will issue to them for the duration of this case.

More detailed information in relation to strategic infrastructure development can be viewed on the Commission's website: www.pleanala.ie.

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.

Teil
Glao Áitiúil
Láithreán Gréasáin
Ríomhphost

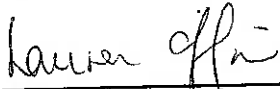
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1800 275 175
www.pleanala.ie
communications@pleanala.ie

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Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Yours faithfully,



Lauren Griffin
Executive Officer
Direct Line: 01-8737244

PA04

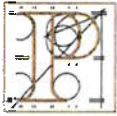
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An
Coimisiún
Pleanála

SID Online Observation

Online Reference
SID-OBS-005794

Online Observation Details

Contact Name
James Cullen Snr

Lodgement Date
21/07/2026 20:13:39

Case Number / Description
323982

Payment Details

Payment Method
Online Payment

Cardholder Name
Bryan cullen

Payment Amount
€50.00

Fee Refund Requisition

Please Arrange a Refund of Fee of

€ 50

Lodgement No

LDG—

Reason for Refund

Documents Returned to Observer

☐ Yes ☐ No

Request Emailed to Senior Executive Officer for Approval

☐ Yes ☐ No

Signed

EO

Date

Finance Section

Payment Reference

ch_3Tvj6IB1CW0EN5FC0ZPzblyf

Checked Against Fee Income Online

EO/AA (Accounts Section)

Amount

€

Refund Date

Authorised By (1)

SEO (Finance)

Authorised By (2)

Chief Officer/Director of Corporate Affairs/SAO/Board
Member

Date

Date

Baltracey Farm,
Baltracey,
Donadea,
Co. Kildare,
W91 VR74.

61–64 Marlborough Street,
Dublin 1,
D01 V902.

21 July 2026

Applicant: Uisce Éireann

Ref No: PA92.323980¹ and CH92.323982² (Two letters were received by me with separate reference numbers)

Project: Wayleave No. IW/10001814/WL/388

Plot Numbers: ACQLB388.1971, WL388.1969, WL388.1973, WL388.1970, WL388.1974, PSD 9.1972

Location: R407, Baltracey, Donadea, Co. Kildare

A Chairde,

I wish to make the following observations on the response submitted by Mr Mike Healy on behalf of Uisce Éireann, dated 5 May 2026. For ease of reference, please also see attached, in Appendix 1, a separate submission made on my behalf by Kevin Miller today.

Matters Remaining from the Agronomy Submission and Related Operational Evidence

I note that Uisce Éireann's response indicates that the road safety, access and visibility matters raised in my separate submission are being considered separately from the agronomy matters addressed in Mr Kevin Miller's submission. I do not therefore repeat those matters in detail. However, a number of the concerns raised in the agronomy submission are linked to operational aspects of the farming enterprise which are also described in my separate submission. Those operational matters are not raised here as independent road-safety objections but as context for understanding the agricultural impacts identified in the agronomy evidence. While I do not repeat the road-safety matters here, the operational characteristics of the holding, including the operational importance of the principal farm entrance, the movement of

¹ <https://www.pleanala.ie/en-ie/case/323980>

² <https://www.pleanala.ie/en-ie/case/323982>

livestock and machinery between lands on both sides of the R407, and the interaction between the proposed infrastructure and the day-to-day operation of the holding, provide important context for the agricultural impacts identified in the agronomy evidence submitted by Gaynor Miller Ltd. Those operational matters are relevant when considering whether the proposed acquisitions have been demonstrated to represent the most appropriate, proportionate and least impactful means reasonably available of delivering the objectives of the Proposed Project at this location.

1. No Defined Maximum Occupation Period for PSD9

The agronomy submission requested that the duration of occupation of the proposed pipe storage depot be clearly defined. Uisce Éireann acknowledges this concern but also expressly states that there are no specific commitments limiting the duration of occupation of an individual Pipe Storage Depot, and that PSD9 could remain in place for multiple years. While references are made to indicative programmes and programme management, the response does not provide a defined maximum occupation period for PSD9.

2. Reliance on Compensation Rather Than Demonstrating Impact Avoidance

A significant portion of the response relies upon compensation mechanisms in relation to stocking reductions, enterprise disruption, additional costs and scheme impacts. While compensation may address financial consequences, the agronomy submission also questioned whether the extent and configuration of the acquisition had been minimised.

The response explains the general methodology used for depot selection and land acquisition and sets out various mitigation, accommodation and compensation measures. However, these measures address how impacts may subsequently be managed. They do not demonstrate that the extent of the temporary acquisition affecting this holding represents the minimum land-take reasonably necessary, nor that the proposed acquisition has been shown to be the most appropriate, proportionate and least impactful solution having regard to the specific agricultural impacts identified in the agronomy submission.

3. Lack of Evidence of Alternative Layout Assessment for this Holding

The agronomy submission suggested that a different PSD9 layout could reduce impacts on the retained farm holding. It also questioned whether the proposed configuration had been developed having proper regard to the operational requirements of the farming enterprise. The response refers to the overall depot-selection methodology and indicative layouts used in the project assessment. However, it does not identify any assessment of alternative layouts for this particular holding, explain why the proposed configuration was selected in preference to less disruptive alternatives, or identify any consideration of alternatives which may have reduced the extent of the proposed acquisition. Nor does it identify any evidence that alternative layouts were discussed with the landowner before the proposed configuration was finalised.

4. Effect on Retained Farm Functionality

The agronomy submission raised concerns that the depot layout would create difficult or inefficient residual areas within the farm. While the response addresses reinstatement following construction, it does not specifically address the operational consequences for the retained lands during the occupation period, including the effect on field layout, farm efficiency and day-to-day management of the holding.

The response also does not address the agronomy evidence concerning severed fields, corners, narrow residual areas and the practical difficulties these would create for ongoing farming operations.

5. Sheep Breeding Enterprise

Uisce Éireann acknowledges the concern regarding the established mid-season ewe flock and the potential consequences for the breeding programme. However, the response principally addresses mitigation, liaison and compensation. It does not identify any specific measure that would protect or preserve the established breeding programme itself, notwithstanding the agronomy evidence that the proposed temporary acquisition could result in the loss of a flock developed over many years should sufficient grazing capacity become unavailable for an extended period.

6. Site-Specific Basis for Selecting PSD9

The agronomy submission questioned the selection of this particular holding for Pipe Storage Depot No. 9 (PSD9) and noted that, on comparable infrastructure projects, construction compounds have historically been secured through commercial agreement rather than compulsory acquisition of productive agricultural land. It also questioned whether the proposed layout and land take had been minimised for this holding and raised concerns regarding the necessity and extent of the associated permanent acquisitions.

Uisce Éireann's response outlines the general methodology adopted for the selection of compounds and depots across the project. However, it does not identify the site-specific factors which led to the selection of PSD9 on this holding, nor does it explain whether alternative sites, alternative layouts, reduced acquisitions or other less impactful design solutions were assessed and discounted. Likewise, it does not address the broader concern raised in the agronomy submission that alternative approaches to the provision of pipe storage facilities may have avoided or reduced the impact on an established commercial farming enterprise.

In that regard, the response remains at the level of general project methodology and does not provide the site-specific justification sought in the agronomy submission demonstrating why the acquisitions proposed affecting this holding represent the most appropriate, proportionate and least impactful means reasonably available of delivering the objectives of the Proposed Project at this location.

Yours faithfully,

James Cullen Snr

Appendix 1

Chartered Surveyors • Auctioneers & Valuers • Agronomists



21st July 2026

Your Ref: 323982 & 323980

Our Ref: KM

Ms Eimear Reilly
An Bord Pleanála,
64 Marlborough Street,
Dublin 1
D01 V902

Unit 1B, Kilminchy Court
Dublin Road
Portlaoise
Co. Laois, Ireland
T: +353 (0)51 887 8130
E: info@gaynomiller.ie
www.gaynomiller.ie

RE: Uisce Eireann - Water Supply Project Eastern & Midlands Region

Submission to CPO & Planning

Landowner: James Cullen Snr.

Address: Baltracey, Donadea, Co. Kildare.

CPO Ref: Wayleave 388, Acquisition for Layby, Temporary Acquisition for Construction Compound Craiguepottle.

Dear Ms Reilly,

Further to reply received from Mike Healy, Uisce Eireann. Mr Healy seems to be of the opinion that our submissions relate only to matters which can be dealt with by a property arbitrator. My understanding is that a property arbitrator can only deal with matters of compensation, the submissions made contain no request for the board to consider any compensation matter. Furthermore, we understand that this is the landowners last opportunity to outline why his lands should not be acquired so we believe that we are making these submissions to the correct forum. The landowner is also requesting that an oral hearing be held to consider the submissions.

1. Temporary Pipe Storage Depot & Layby

The landowner contends that permanent acquisition of a layby is not required at this location as the existing recessed entrance adjacent can be used to facilitate access at this location when the works are completed. Uisce Eireann have not considered this option and no meaningful dialogue has taken place with the landowner on this option.

Lots of infrastructural projects including pipelines have been constructed in Ireland without including construction compounds in the compulsory acquisition. The construction compounds on those projects were also "essential enabling components of the delivery strategy and were required to facilitate safe and efficient construction and operation". Uisce Eireann are stretching rights to acquisition for the public good onto temporary areas for private contractors that have not yet been appointed to construct the scheme.

Gaynor Miller Ltd., Registered Office: Unit 1B, Kilminchy Court, Dublin Road, Portlaoise, Co. Laois
Directors: Kevin Miller, Paul G. Gaynor, James J. Gaynor
Registered No.: 423859 VAT No.: IE9643840V PSR No.: 001178 Regulated by RICS

2. Proposed Lay-by Acquisition

The landowner contends that safety concerns regarding the lay-by and its interaction with his existing entrance need to be dealt with now before any acquisition is approved. He contends that using the existing entrance for access will eliminate the need for acquisition of lay-by. More minor issues regarding temporary acquisition can be dealt with in accommodation works. The line valves can easily be accessed from the existing entrance and Uisce Eireann need to look at this option.

Uisce Eireann state that they need the lay-by to "provide a safe, reliable and independent access arrangement for operational activities without creating avoidable interaction with routine private/farm access movements". The location of the lay-by directly beside the existing entrance creates the opposite effect whereby they are interfering with each other's sightlines.

The landowner has made a separate submission on safety and requires to further this at an oral hearing.

3. Proposed Construction Compound Acquisition

Uisce Eireann goes into lengths explaining the differences between Pipe Storage Depots and Full Construction Compounds but this makes little difference to the landowner as his lands are proposed to be acquired, they would be stripped of topsoil and fenced as a compound and handed back reinstated at the end point.

Uisce Eireann states that leaving compounds for contractors to acquire would "introduce potential for significant uncertainty and programme risk on a strategic infrastructure project of this scale". They have not however listed a single project where it created the problems outlined in the past.

The statement that there is "a clear preference for voluntary acquisition" rings hollow. Uisce Eireann state that "compulsory acquisition is required to ensure the proposed project can be commenced and completed in a timely manner" again I reiterate that lots of projects of large scale have been delivered without including compounds of any kind in the compulsory acquisition.

Uisce Eireann state that "the temporary construction surfaces will be established only where necessary" It is difficult to see how any of the uses outlined earlier in Uisce Eireann correspondence could be carried out without construction surfaces.

4. Construction Compound Design

The landowners submission on this point was that there was no consideration for his farming activity in the design of the acquisition area. Uisce Eireann in response proceed to explain how they designed the area to suit all their requirements and present these as looking after the landowners needs. No mention of severed fields, corners, narrow areas and the difficulties it will create for the farming activities. The landowner was never consulted about this aspect of design.

5. Duration of Occupation for PSD9

Uisce Eireann state that they acknowledge "the landowners concern that the duration of occupation of PSD9 should be clearly defined. The then meander through extensive documentation on "indicative durations", "programme assumptions", "possession arrangements" "typical construction phase durations" etc. to finally come to the conclusion that they do not know how long the "compound" lands will be required for. The inspector dealing with this application to the board needs to carefully consider the law around temporary acquisition of land and the durations. Uisce Eireann are very quick to present how statutory compensation can be claimed for temporary disturbance etc. but cannot quantify the most basic part of that process ie the length of time that it will be held for before handed back reinstated.

6. Continued Engagement

We welcome the offer of engagement and the landowner understands the compensation process but currently is more interested in defending his property rights.

I contend that Uisce Eireann do not understand the Property Arbitrators role correctly if they think that they can deal with the submissions as outlined in our submission dated the 24th February 2026.

Yours Sincerely,

FOR GAYNOR MILLER LTD



Kevin Miller BAgrSc BSc(Prop) MSCSI MRICS

Our Case Number: ACP-323980-25

Your Reference: James Cullen Snr.



**An
Coimisiún
Pleanála**

Gaynor Miller Ltd.
Unit 1B, Kilminchy Court
Dublin Road
Portlaoise
Co. Laois

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

Teil
Glao Áitiúil
Láithreán Gréasáin
Ríomhphost

Tel (01) 858 8100
LoCall 1800 275 175
Website www.pleanala.ie
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Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Eimear Reilly

From: LAPS
Sent: Wednesday 22 July 2026 10:23
To: Eimear Reilly
Subject: FW: Submission Uisce Eireann – Water Supply Project Eastern & Midlands Region Ref. Nos. 323982 & 323980
Attachments: Gaynor Miller Submission 21-07-26.pdf
Follow Up Flag: Follow up
Flag Status: Completed
Categories: Both Cases

From: Kevin Miller <kevinmiller@gaynormiller.ie>
Sent: Tuesday 21 July 2026 16:34
To: LAPS <laps@pleanala.ie>
Subject: Submission Uisce Eireann – Water Supply Project Eastern & Midlands Region Ref. Nos. 323982 & 323980

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FOR GAYNOR MILLER
Kevin Miller BAgrSc BScProp MSCSI MRICS

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The information contained in this email is *without prejudice/subject to contract/contract denied*.

Gaynor Miller Ltd., Registered Office: Unit 1B, Kilminchy Court, Dublin Road, Portlaoise, Co. Laois, Ireland R32 YP1D
Directors: J.J. Gaynor MAgr Sc MIPAV K.T. Miller BAgrSc BScProp MSCSI MRICS
P.G. Gaynor BScFt BScProp MSCSI MRICS
Registered No.: 423859 VAT No.: IE9643840M

PSR License No. 001178



21st July 2026

Your Ref: 323982 & 323980

Our Ref: KM

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Dublin 1
D01 V902

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RE: Uisce Eireann – Water Supply Project Eastern & Midlands Region

Submission to CPO & Planning

Landowner : James Cullen Snr.

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CPO Ref: Wayleave 388, Acquisition for Layby, Temporary Acquisition for Construction Compound Graiguepottle.

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FOR GAYNOR MILLER LTD



Kevin Miller BAgrSc BSc(Prop) MSCSI MRICS