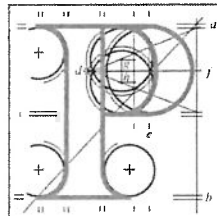


Our Case Number: ACP-323980-25



**An
Coimisiún
Pleanála**

Clare County Council
Planning, Placemaking, & Economic Development
Áras Contae an Chláir
New Road
Ennis
Co. Clare
V95 DXP2

Date: 07 April 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 copies of all submissions / observations received in relation to the application will be made available for public inspection at the offices of the local authority and at the offices of An Coimisiún Pleanála when they have been processed by the Commission.

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.

Yours faithfully,

Eimear Reilly
Executive Officer
Direct Line: 01-8737184

PA09

Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
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64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902



By Registered Post

COMHAIRLE
CONTAE AN CHLÁIR

CLARE
COUNTY COUNCIL

Your Ref: ACP-323980-25

23rd March 2026

**An Coimisiún Pleanála
64 Marlborough Street
Dublin 1
D01 V902**

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

Dear Sir/Madam,

I refer to the above and **enclose** herewith the following:-

1. Chief Executive's Report dated 03rd March 2026.
2. Submission from Elected Members.
3. Copy Resolution passed at the March 2026 monthly meeting of Clare County Council.
4. Extract from the Draft Minutes of the March 2026 monthly meeting of Clare County Council.

Yours sincerely,

**Kieran O'Donnell
Administration Officer
Planning, Placemaking & Economic Development**

AN COIMISIÚN PLEANÁLA	
LDG-	087196-26
ACP-	323980-25
24 MAR 2026	
Fee: €	Type:
Time: 9:15	By: reg post

Enc.



CLARE COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED)

PLANNING AND DEVELOPMENT (STRATEGIC INFRASTRUCTURE) ACT 2006

CHIEF EXECUTIVE'S REPORT IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 37E (4) and (5) OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED) IN RELATION TO THE PROPOSED WATER SUPPLY PROJECT FOR THE EASTERN AND MIDLANDS REGION

ACP REFERENCE: 323980-25

1.0 Introduction

This report has been prepared in accordance with the requirements of Section 37E (4) and 37E (5) of the Planning and Development Act, 2000, as amended, following on from the submission of a Strategic Infrastructure Development (SID) to An Coimisiún Pleanála (ACP). Under Section 37E (4) the Chief Executive is required to submit a report to ACP setting out the views of Clare County Council on the effects of the proposed development on the environment and the proper planning and sustainable development of the area.

Section 37E (5) of the 2000 Act requires that before this report is submitted to the ACP, the Chief Executive shall submit it to the elected members, in order to seek their views on the proposed development. The members may, by resolution, decide to attach recommendations to the report (Section 37E (6) of the 2000 Act refers).

2.0 Nature of the Development

The proposed development is essentially to provide a new source of drinking water for the Eastern and Midlands Region to meet a deficit in supply. The proposal involves the abstraction and pumping of raw water from the Lower River Shannon at Parteen Basin, the treatment of the water nearby at Birdhill, County Tipperary, and pumping of the treated water to a high point near Cloughjordan, County Tipperary. From this high point near Cloughjordan, the treated water will flow generally by gravity through the Midlands, to a termination point at Peamount, in County Dublin (within the administrative area of South Dublin County Council), where it will connect into the existing Greater Dublin Area water network. The development is to facilitate a maximum abstraction of 300 Mega litres per day (Mld) during the short-peak demand periods. The project is designed to have a lifespan of 80-100 years.

The main components of the development are as follows:

- Raw Water Intake & Pumping Station at Garrynatineel, Ballina, Co. Tipperary;
- Water Treatment Plant at Incha Beg, Birdhill, Co. Tipperary;
- Break Pressure Tank at Knockanacree, Cloughjordan, Co. Tipperary;
- Booster Pumping Station at Coagh Upper, Birr, Co. Offaly;
- Flow Control Valve at Commons Upper, Celbridge, Co. Kildare;
- Termination Point Reservoir at Loughtown Upper, Peamount, County Dublin;
- c. 172km of pipeline connecting the water infrastructure sites;
- Uprating and associated works to the existing Ardnacrusha – Birdhill 38kV line and Ardnacrusha – Birdhill – Nenagh 38kV line.
- Works at the existing Birdhill 38 kV electricity substation, power connections to infrastructure and all ancillary works above and below ground.
- The application relates to a project which will require a water abstraction licence from the Environmental Protection Agency (EPA) under the Water Environment (Abstractions and Associated Impoundments) Act, 2022.
- The application is accompanied by a Compulsory Purchase Order under the provisions of the Housing Act, 1966 as amended.
- The application is accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS).

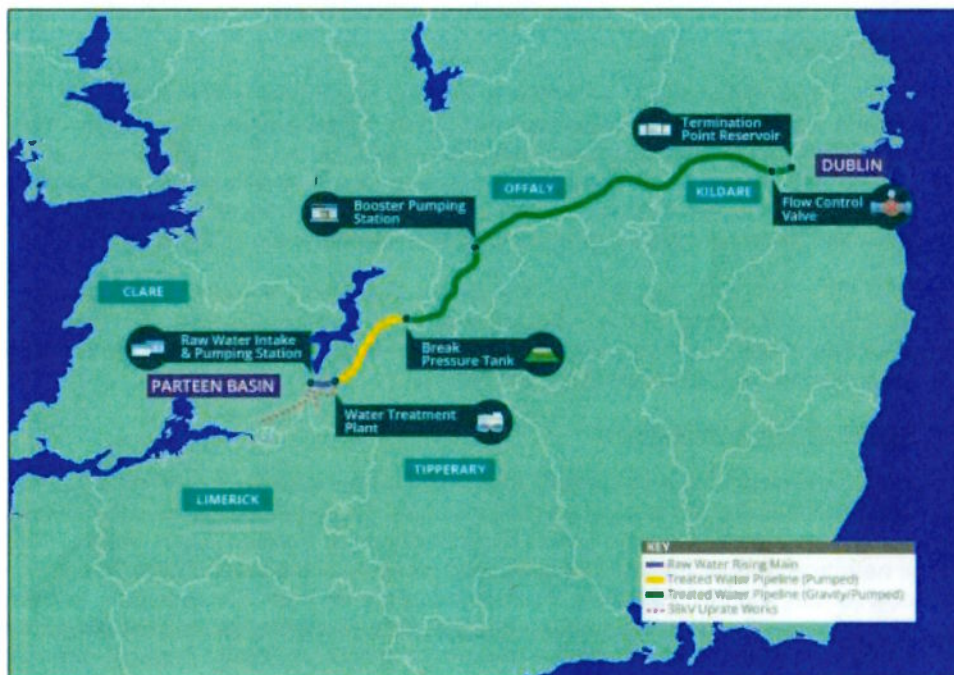


Figure 1 – Overview of the proposed project (source – Uisce Eireann)

It should be noted that proposed works in Co. Clare relate solely to the upgrading and associated works to the existing Ardnacrusha – Birdhill 38kV line running from poleset 6B north of Ardnacrusha Substation, in County Clare, in a north-easterly direction and terminating at the Birdhill 38 kV Substation in County Tipperary (Figure 2, below). The line is an existing overhead line, and it is this section that would be subject to upgrade works including line replacement and replacement of polesets as part of the project. Whilst no further works, other than the above, are proposed in Clare, the implications arising from the development, and in particular water abstraction, present some concerns which are set out further in this report.

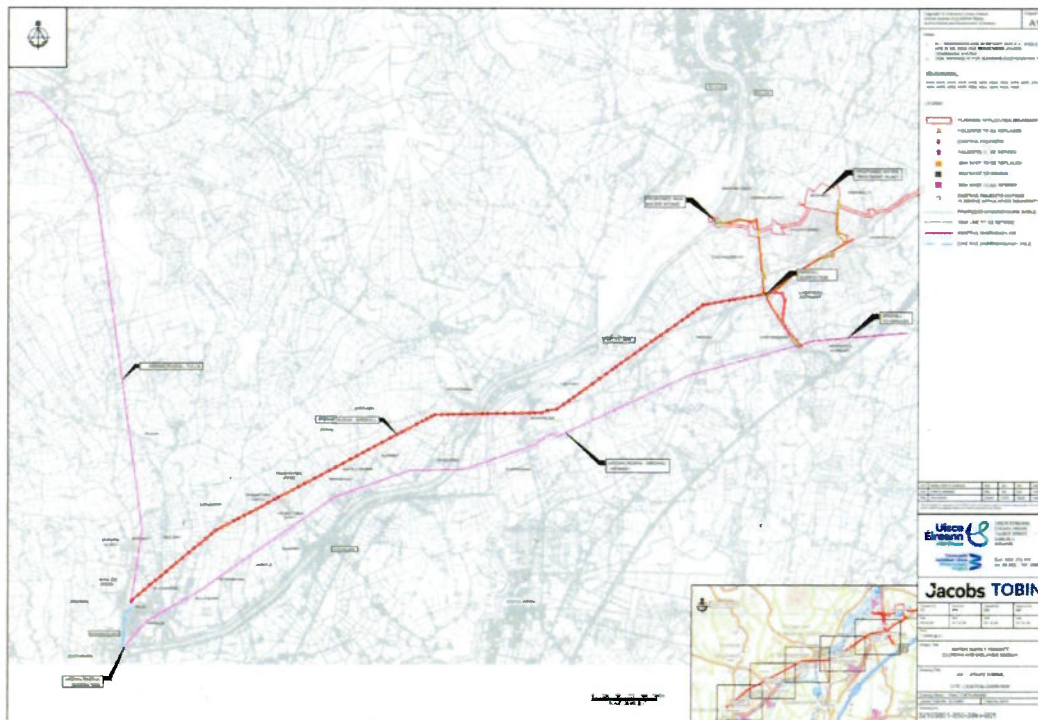


Figure 2 – Overview of the proposed works in Co. Clare (source – Uisce Eireann)

3.0 Need for the Proposed Development

The need for the proposed development is set out in the application documentation on file. In this regard it is stated that by 2050, the demand of water required by the Greater Dublin Area (GDA) is calculated to be 197 Mld. The 35 other Water Resource Zones (WRZs) are calculated as requiring 83 Mld giving a forecast deficit of 280Mld. Also included in the demand calculation is the provision for the risk of reductions in volumes of water available from the current levels of abstraction from a number of existing sources when they are licenced. Overall therefore the total peak volume of water required is 300 Mld.

4.0 Planning Policy & Legislative Context

4.1 National Planning Framework (Project Ireland 2040)

The NPF is the long term, 20-year strategy shaping the future growth and development of Ireland. The document highlights the delivery of critical strategic infrastructure in areas such as transport, water services management, waste management, education, health and community services etc.

The Eastern and Midlands Water Supply Project is noted in the NPF as a key future growth enabler for Dublin.

National Strategic Outcome 9: Sustainable Management of Water and other Environmental Resources of the NPF is relevant to the proposal and states:

Investment in water services infrastructure is critical to the implementation of the National Development Plan. The current Water Services Strategic Plan by Irish Water will be updated in the light of the policies in the National Planning Framework addressing the requirements of future development, while also addressing environmental requirements such as obligations under EU Water Framework Directive mandated River Basin Management Plans.

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

4.2 National Development Plan (NDP) 2021-2030

The National Development Plan outlines investment priorities that will support implementation of the National Planning Framework. The subject development is directly referenced in the NDP.

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).

4.3 Regional Spatial & Economic Strategy for the Southern Region (RSES)

Section 8.1 of the RSES references the Water Supply Project for the Midlands and Eastern Region as one among a number of projects required to support planned development and maintain and improve existing services.

Regional Policy Objectives (RPO) 209 Strategic Water Supply Projects states:

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.

4.4 Clare County Development Plan (2023-2029)

The following objectives of the Development Plan are relevant for this proposal:

CDP 9.13 Lakeland & Waterway Tourism

It is an objective of Clare County Council:

- a) To support the development of tourism activities in lakeland areas and along waterways subject to normal planning and environmental requirements. All proposed developments shall be in accordance the Birds and Habitats Directive, Water Framework Directive and all other relevant EC Directives.
- b) To encourage the development of shared facilities centres, at inland water bodies including Ballycuggeran Sports Activity Facility, Ogonnelloe, Killaloe, Lough Derg and the River Shannon, to facilitate greater access to water for areas such as water sports and water-based activities and events subject to normal planning and environmental criteria

CDP 11.28 Strategic Water Supply Projects

It is an objective of Clare County Council:

- a) To support investment and the sustainable development of strategic water supply projects of Uisce Éireann and leakage reduction programmes and initiatives through the National Water Resources Plan, the Eastern and Midland Regional Water Resources Plan and subject to appropriate environmental assessment and the planning process;
- b) To carefully scrutinise any proposals for the abstraction of water from Lough Derg, either for storage or direct supply outside the county which, due to geographical proximity, may have a significant impact on County Clare taking into account the impacts of climate change and in particular low flow conditions which are now prevalent across the county throughout the year;
- c) To ensure that any abstraction proposals are in compliance with the environmental requirements of objective CDP 3.3 of this plan, and,
- d) To carefully scrutinise any proposals for the abstraction of water from Lough Derg or the River Shannon which may have an impact on the proposed South Clare/University of Limerick Economic Strategic Development Zone, an objective of which is the reopening of the Errina Canal.

CPP 11.29 Water Services

It is an objective of Clare County Council:

- a) To work closely with Uisce Éireann to identify and facilitate the timely delivery of the water services required to realise the development objectives of this plan;
- b) To facilitate the provision of integrated and sustainable water services through effective consultation with Uisce Éireann on the layout and design of water services in relation to the selection and planning of development areas and the preparation of masterplans;
- c) To ensure that adequate water services will be available to service development prior to the granting of planning permission and to require developers to consult Uisce Éireann regarding available capacity prior to applying for planning permission; and,
- d) To ensure that development proposals comply with Uisce Éireann's standards and requirements in relation to water and wastewater infrastructure to facilitate the proposed development.

CDP15.3 European Sites

It is an objective of Clare County Council:

- a) To afford the highest level of protection to all designated European sites in accordance with the relevant Directives and legislation on such matters;
- b) To require all planning applications for development that may have (or cannot rule out) likely significant effects on European sites in view of the site's Conservation Objectives,

either in isolation or in combination with other plans or projects, to submit a Natura Impact Statement in accordance with the requirements of the EU Habitats Directive and the Planning and Development Act, 2000 (as amended); and

- c) To recognise and afford appropriate protection to any new or modified SPAs or SACs that are identified during the lifetime of this development plan, through the planning application process, bearing in mind proposals for development outside of a European site may also have an indirect effect.

CDP 15.4 Requirement for Appropriate Assessment
It is an objective of Clare County Council:

- a) To implement Article 6(3) and where necessary Article 6(4) of the Habitats Directive and to ensure that Appropriate Assessment is carried out in relation to works, plans and projects likely to impact on European sites (SACs and SPAs), whether directly or indirectly or in combination with any other plan(s) or project(s);
- b) To have regard to 'Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities 2009' or any updated version.

CDP15.12 Biodiversity and Habitat Protection
It is an objective of Clare County Council:

- a) To protect and promote the sustainable management of the natural heritage, flora and fauna of the county both within protected areas and in the general landscape through the promotion of biodiversity, the conservation of natural habitats and the enhancement of new and existing habitats, and through the integration of Green Infrastructure (GI), Blue Infrastructure and ecosystem services including landscape, heritage, biodiversity and management of invasive and alien species into the Development Plan;
- b) To promote the conservation of biodiversity through the protection of sites of biodiversity importance and wildlife corridors, both within and between the designated sites and the wider Plan area;
- c) To support the implementation of the All Ireland Pollinator Plan, National Biodiversity Action Plan and National Raised Bog SAC Management Plan;
- d) To ensure there is no net loss of potential Lesser Horseshoe Bat feeding habitats, treelines and hedgerows within 2.5km of known roosts;
- e) To implement and monitor the actions as set out in the Clare County Biodiversity Plan; and
- f) To promote biodiversity net gain in any new plans/projects/policies to promote development that leave biodiversity in a better state than before.

5.0 Planning & Environmental Issues

5.1 Introduction

This section of the report sets out the specific issues that the Council would like to address with respect to the effects of the proposed development on the environment and the proper planning and sustainable development of the area. At the outset it is acknowledged that the extent of physical works proposed in respect of this development in Clare are limited to the uprating of overhead power lines, with the intake, pumping station, treatment plant and pressure tank works proposed in Co. Tipperary, and further works proposed in other counties along the route. Nevertheless, whilst the works in Clare are limited, the wider impacts of the development, in particular those associated with the abstraction of water raise a number of issues with respect to the proper planning and development of the area.

5.2 Nature and Scope of the Development

It is noted that the application includes for an EIAR, NIS and a Water Status Impact Assessment Report. It is further noted that the abstraction of water from Lough Derg will require a separate abstraction licence from the Environmental Protection Agency (EPA) pursuant to the Water Environment (Abstractions and Associated Impoundments) Act 2022. In this regard, it is considered that the outcome of any future abstraction licencing process will need to align in terms of rate of abstraction, hydrological impacts, ecological impacts, and groundwater protection as outlined in the application documentation. Any rates of abstraction outlined in the planning application must also be applied to the abstraction licence application with no discrepancies in the daily abstraction rates. The environmental assessments and in particular those pertaining to the hydrological impacts should assess the same levels of abstraction ensuring consistency with the SID application. There should be no increase in the quantum of water to be abstracted and therefore to ensure transparency both the planning consent process and abstraction licencing process must be clearly based on the same volumes.

5.3 Infrastructure Provision & Balanced Regional Development

It is noted that the proposed development will provide a water supply source that will be of significant strategic benefit to the Eastern and Midland region. However there is no water supply proposal or direct benefit of the scheme to County Clare and this is considered to be a missed opportunity in respect of this proposal noting that water abstraction may potentially impact on tourism, agricultural and environmental issues within the County. It is respectfully requested that the Commission engage with this point as part of its assessment of the application and in terms of the proper planning and orderly development of the area.

A strategic objective of the National Planning Framework (NPF) is to promote balanced regional development, supported by investment in high-quality infrastructure. The proposed development represents a substantial investment in water supply infrastructure that will predominantly benefit the eastern and midland regions, facilitating further population growth and economic activity in those areas.

In contrast to the above, the Commission will note from Uisce Éireann's Capacity Constraint Register¹ that several towns and villages in proximity to Lough Derg and the River Shannon—including Mountshannon, Tuamgraney–Scarriff, O'Briens Bridge and Whitegate—are currently experiencing water supply limitations. It is not considered conducive to the orderly development of the area, and is indeed difficult to reconcile, that these settlements, despite their immediate proximity to Lough Derg, would be unable to derive any benefit from the proposed development. Furthermore these limitations in water supply hinder the economic development and growth of the affected towns and villages in contrast to the positive impacts anticipated for the eastern and midlands region.

Following the Local Authority's assessment of the proposal, it is considered that the development would not generate a direct benefit for the Mid-West region and it is therefore questionable as to whether the proposal would contribute in any meaningful way to achieving balanced regional development.

¹ www.water.ie/connections/developer-services/capacity-registers/water-supply-capacity-register/clare

5.4 Community Benefit Scheme

The application includes for a Community Benefit Scheme which involves the establishment of a Community Gain Investment Fund (by Uisce Éireann) to support community-based initiatives during the *construction* phase of the project. A weighted allocation system is proposed as part of the scheme and under same Clare will receive an allocation of 5%. Part of the assessment of this allocation was because of the absence of any required landtake, the absence of permanent infrastructure or pipeline within the county and minor visual impacts at Parteen Basin.

The Local Authority's are proposed to act as fund administrator, allocator and promoter of the schemes. The details submitted with the application do not specify the exact amount to be provided as part of the scheme which limits the assessment of such proposal. Whilst it is noted that the fund will be benchmarked against similar large-scale investment projects (reference is made to the Celtic Interconnector Scheme where approximately 0.15% of the construction cost was applied), the overall fund amount the local authority will be required to administer is unknown.

It is essential that the Community Gain Investment Fund is structured and administered in a manner that ensures the greatest possible long-term benefit to the receiving community. The operational timeframe of five years is restrictive and may constrain the Fund's capacity to support long term community development initiatives. The suggested geographical restriction of a 5km radius is also unduly narrow and fails to adequately reflect the wider lake-side community that may experience impacts and should therefore be eligible to receive commensurate community gain.

It is respectfully requested that the foregoing points of concerns are considered and resolved by the Commission. An appropriately worded planning condition should be attached to any grant of permission for the project requiring the establishment of a Community Benefit Fund that endures beyond the construction stage of the development and the 5km radius of the development.

In addition to the above points, Clare County Council considers the proposed development and the level of investment in same is in stark contrast to the extent of investment in infrastructure in the county at present. Uisce Eireann's own wastewater and water supply capacity register sets out the extent of infrastructure deficiencies in the county. Noting that the proposal includes for a significant extraction of water from Lough Derg, the funding allocation as proposed in the community gain scheme and the limited benefits of the proposal to the county it is considered that an accelerated scheme of investment in water and infrastructure by Uisce Eireann would be an appropriate response to address balanced regional development and to finally address infrastructure deficiencies in the County.

5.5 Tourism & Recreation

East Clare has a diverse range of tourism resources, with Lough Derg being the main tourism asset for the region. In addition, there is significant policy support in the Development Plan for Lough Derg as set out in Objectives CDP 9.13, CDP 9.20 and CDP 9.23. Furthermore, the Clare Tourism Strategy 2030 and Tourism Masterplan for the Shannon 2020–2030 all seek the sustainable development of the tourism assets within the region. Lough Derg supports a number of tourist industries including angling, water sports, blueways and ecclesiastical tourism. The Local Authority has also invested significantly in tourism development including initiatives such as the development of a gateway visitor facility in Mountshannon as part of the Inis Cealtra Visitor Management and Sustainable Tourism Development Plan.

The assessment of the development as set out in the EIAR in respect of tourism is noted. Whilst the emphasis is on tourism receptors located within 500m of the project, there is a concern that the wider implications of the project on Lough Derg have not been fully assessed. Notwithstanding that the extent of physical works associated with the development in Clare are limited to overhead lines, there is a concern in respect of the wider impact of the development on Lough Derg in particular due to water abstraction and the lowering of the water levels. Any degradation in flow conditions, water quality, or ecology risks undermining this asset and the associated local economy. In addition, reduced flows can expose banks and mudflats unnaturally, increase stagnation risk in certain areas, and diminish the perceived naturalness of the lake. This may impact on angling quality which can decline where salmonid and other fish species suffer from altered water flows and habitat contraction.

In the event that this abstraction is not appropriately managed it is considered that there would be a significant risk to tourism in this region. It is respectfully requested that the Commission address this issue as part of the assessment of the application.

5.6 Water Abstraction

The following points are noted from the EIAR in respect of water abstraction:

- The EIAR (9.2.5) outlines that a detailed hydrological modelling exercise has been conducted to assess the impact of the proposed abstraction on the water levels of Lough Derg lake water body (Derg TN) and Parteen Basin (Derg HMWB) and the pass forward flows released to the Original River Shannon (ORS). Two constant rates of abstraction have been investigated - 154Mld – taken to be representative of normal operation demand by the year 2050, and 300Mld – projected peak need/demand at year 2050.
- The model was run using data from the period 1 January 1972 to 31 October 2023, allowing the simulation of daily levels and daily flows across a 52-year period with and without the proposed abstraction in place. Further modelling took place incorporating allowances for climate change.
- It is stated that the impacts to lake levels and forward flows to the Shannon were 'barely distinguishable' from the baseline case when viewed on level/flow duration curves.
- It is stated that only during drought periods in 1995 and 2018 (up to a week) were the level regimes of both the Lough Derg (Derg TN) and Parteen Basin (Derg HMWB) water bodies notably affected by the inclusion of the proposed development.
- The model demonstrates that the required ORS compensation and fish pass flows downstream can always be met, either with or without the simulated project abstraction in place within the modelling undertaken.
- It is stated that ESB will support the project by diverting water from what is normally used for power generation, while still managing Lough Derg and Parteen Basin within existing operating levels. ESB will factor the project's abstraction volumes into its operations alongside rainfall, power demand, and statutory flow requirements (flow of 10m³/s). It is stated that over time, flows to Ardnacrusha will be adjusted to account for the abstraction, but overall the operation and appearance of Lough Derg will remain essentially unchanged day-to-day. Details of the draft agreement with the ESB are included with the application documentation.

- During flood flows, when the water level is no longer below the top of the Lough Derg NOB, ESB can operate Ardnacrusha at full capacity and allow the excess flow down the ORS as they have done in the past, and the Proposed Project abstraction would be provided from a minor depletion in the simulated lake storage.
- The simulated forward flows to the ORS remain unchanged by the inclusion of the Proposed Project abstraction. The proportion of days (to the nearest whole percent) when the ORS is receiving the minimum required compensation and fish pass flows is simulated to be unchanged by the inclusion of the Proposed Project abstraction, as does the timing of the spill flows down ORS when Ardnacrusha is at full capacity.

The key area of environmental concern relates to the hydrological impacts of the proposed abstraction from the River Shannon in the context of the location of the proposed works within the Lower River Shannon Special Area of Conservation which is designated for Annex I river habitats and Annex II species including Atlantic salmon (*Salmo salar* 1106), Sea/River/Brook Lamprey (*Petromyzon marinus* 1095, *Lampetra planeri* 1096 & *Lampetra fluviatilis* 1099) together with Otter (*Lutra lutra* 1355). The site-specific conservation objectives explicitly identify Parteen and Ardnacrusha as “considerable obstructions” on the Shannon main channel for salmon, with fish passes present but upstream migration described as “problematical”. The subject development overlaps in part with the Lower River Shannon SAC in three locations: the raw water intake and pumping station, where the 38 kV uprate works crosses the Lower River Shannon, and where the two underground cable ducts laid in the R494 from Birdhill to the entrance of the raw water intake and the pumping station access road (to facilitate power supply to the raw water intake & the pumping station) cross the Kilmastulla River. The impacts from the proposed development need to be considered both upstream and downstream of Parteen Basin given any abstraction within this ecosystem can have an in-direct effect on velocity, flow and overall hydrological regime of the Lower River Shannon for which a number of water dependent habitats and species depend on these key hydraulic Attributes and Targets with respect to the hydraulic regime.

As is outlined in the NIS, the Proposed Project would abstract approximately 2% of the annual mean volume of flow at Parteen Basin, and 2.3% of water currently used for hydropower from Parteen Basin. The natural volumetric range of flow in Parteen Basin, with wet and dry years, is approximately ± 30% about the mean in a 25- year period of record. The proposed abstraction of water is considered to be insignificant over such a wide range of natural variation. The proposed abstraction at Parteen Basin would always be from within the existing storage band or Normal Operating Band on Lough Derg, unless flood conditions take water levels outside the Normal Operating Band Limits (Section 3.5.11 and Section 4.1.1), which would be the case for approximately 5% of the time based on the 52 years analysed in the hydrological model.

The compensation flow for the old river channel is 10 cubic metres of water per second (cumecs). This is the minimum statutory flow set under the Shannon Fisheries Act (1935) and is equivalent to a low drought flow prior to the Shannon hydroelectric scheme. Water management at the dams has changed over the years. In the past, ‘freshets’ were used to help salmon find their way upstream along the old river channel. Abstraction was also reduced in the past to provide more water for canoeing events.

Water is currently managed under the direction of the Shannon Flood Risk State Agency Co-ordination Working Group, and these changes only came in 2016. What is well documented throughout the River Basin Management Planning process, analysis of flood risk, assessment of Heavily Modified Water body status under the Water Framework Directive to mention a few are the current issues with the abstraction levels and the management of flow in the River Shannon which is designated as a European site which are incompatible with the legal requirements of the EU Habitats and Water Framework Directives.

The Commission must ensure that the Appropriate Assessment takes into consideration the current baseline condition in terms of ongoing impacts on the Attributes and Targets associated with the Conservation Objectives for the European Site (e.g. through the reduction in flow over Parteen Weir have spawning beds contracted and/or been lost due to sedimentation as a result of low flows?).

5.7 Water Framework Directive

The Water Framework Directive in the absence of the proposed development requires the restoration of at least “*Good Ecological Status*”. The Commission must ensure the requirements of Article 6(2) are met (i.e. deterioration of natural habitats and the habitats of species, and the disturbance of species, must be avoided) as is required by Regulation 27(3) of the European Communities (Birds and Natural Habitats) Regulations, 2011, in general, and by Section 177S of the Planning and Development Act, 2000 as amended, in relation to ensuring compliance with habitat protection. The assessment will therefore need to clarify whether the minimum flow rate of 10m³/s is compatible with the Qualifying Interests of the Lower River Shannon SAC (2165) achieving favourable conservation status. Once this has been determined only then can the proposed abstraction be considered in terms of the potential for cumulative and in-combination effects.

The potential impact of the proposed water abstraction during drought periods, and how water levels will be managed in such circumstances is a key concern. This relates to impacts both downstream and upstream of Parteen Weir. Given the impacts of Climate Change there are multiple scenarios which could further compound the issues at Parteen Weir and within the Lower River Shannon which should be considered. In the event of severe drought conditions either on the east coast, in the midlands or within the River Shannon System how can the proposed abstraction ensure water levels will not fall below 10m³/s during a severe drought? The ecological effects will be most significant during low flow conditions and therefore the Appropriate Assessment must ensure the assessments are against any predicted low flow conditions that may be experienced in the upper or lower catchment. Both the Environmental Impact Assessment and Appropriate Assessment must clearly demonstrate and assess the potential effects during low-flow migration periods, the interaction between regulated flows and abstraction volumes and whether ecological recovery objectives may be further constrained in terms of the requirements under Article 6 (2).

Given the Directive's objective of preventing deterioration, uncertainty regarding potential effects should be resolved before a conclusion on compliance with Article 6 (3) can be reached.

6.0 Conclusion

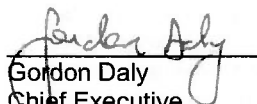
The above report sets out the views of the Local Authority on the effects of the proposed development on the environment and the proper planning and sustainable development of the area. Whilst the physical footprint of the proposed development within County Clare is limited, the implications arising from the abstraction of water from Lough Derg present some concerns for the county.

The scheme will deliver a strategically important water supply to the Eastern and Midland regions, however it offers no direct water supply benefit to Clare especially noting existing water supply constraints affecting several settlements adjacent to Lough Derg and the River Shannon.

The scale of investment associated with the project contrasts sharply with the longstanding deficits within Clare's own water and wastewater networks, as clearly set out in Uisce Éireann's capacity registers. The limited allocation proposed under the Community Gain Investment Fund, coupled with the absence of direct infrastructural benefits, reinforces the need for a significantly enhanced programme of investment in Clare to address these deficits.

Lough Derg is a critical environmental, economic and tourism asset for County Clare. Any adverse impacts on water levels, flow conditions, water quality or ecological integrity have the potential to undermine this asset and the dependent local economy. It is therefore essential that the full implications of the proposed abstraction are robustly assessed by the Commission and the issues identified above are given due consideration.

The Local Authority respectfully requests that the Commission give detailed consideration to the issues raised above in its assessment of the application. In addition, Clare County Council also considers that a public Oral Hearing in accordance with Section 134 (1) of the Act would be appropriate in this instance, given the complexity of the proposal and the significant national, regional and local issues that arise, and wish to formally request the Commission to accommodate same.


Gordon Daly
Chief Executive
03rd March 2026

Item 9 March Monthly Meeting.
9/3/2026.

1. Introduction

This submission sets out a formal objection by the members of Clare County Council to the proposed River Shannon - Water supply project Eastern and Midlands, Involving extraction of water from the river Shannon and transferring it to the greater Dublin area.

The project raises substantial concerns in relation to compliance with:

- . The EU habitats directive (92/43/EEC)
- . The EU birds directive (2009/147/EC)
- . The EU water framework directive (2000/60/EC)
- . The climate action and low carbon development act 2015
(As amended 2021)

This submission argues that:

1. The project presents credible risks to the integrity of several Natura 2000 sites within the Shannon Basin.
2. The hydrological and ecological impacts have not been ruled out beyond reasonable scientific doubt.
3. The environmental impact assessment (EIA) process may be legally deficient in several respects that have previously resulted in successful judicial review challenges in Ireland

2. LEGAL FRAMEWORK

2.1 Habitats directive obligations

Article 6 (3) of the Habitats Directive requires that any plan or project likely to significantly affect a Natura 2000 site must undergo and an Appropriate Assessment (AA)

Consent may only be granted where it has been demonstrated that the project will not adversely affect the integrity of the site.

Key EU caselaw has clarified this test, confirming that mitigation measures cannot be relied upon during AA screening and that any loss of protected habitats capable of undermining conservation objectives may constitute an adverse effect.

3. NATURA 2000 SITES POTENTIALLY AFFECTED

The Shannon catchment contains a large network of protected sites.

- . Rivers Sannon Callows SAC

- . Lough Ree SAC

- . Lough Derg North-East Shore SAC

- . Lower River Shannon SAC

- . Mongan Bog SAC

- . Cam Park Bog SAC

- . Crosswood Bog SAC

- . Castlesampson Esker SAC

SPECIAL PROTECTION AREAS (SPAs)

- . Middle Shannon Callows SPA

- . Lough Ree SPA

- . River Shannon and River Fergus Estuaries SPA
- . River Suck Callows SPA
- . Morgan Bog SPA

These sites support protected habitats, including:

- . Lowland Hay Meadows
- . Alkaline fens
- . Alluvial Forests
- . Raised Bogs

And species, including:

- . Otter
- . Migratory Wildfowl
- . Breeding Waders
- . Protected fish species

Many of these habitats depend directly on the hydrological regime of the Shannon floodplain.

4. HYDROLOGICAL RISKS

The Shannon system includes a complex interaction of:

- . Lakes
- . Floodplains
- . Wetlands
- . Ground water dependent ecosystems

Landscape abstraction could alter natural flow regimes in several ways.

4.1 CHANGES TO SEASONAL FLOW PATTERNS

Floodplain Ecosystems such as the Shannon Callows depend on periodic inundation. Changes in abstraction could modify:

- . Flood timing
- . Flood duration
- . Water levels

These changes can alter vegetation structure and reduce habitat suitability for protected bird species.

4.2 IMPACTS ON WETLANDS AND RAISED BOGS

Several Natura 2000 sites within the basin protect active raised bog habitats, including Mongan bog SAC.

Raised bog ecosystems are extremely sensitive to hydrological change.

Even minor reductions in Ground water levels may:

- . Halt Peat formation
- . Accelerate Peat oxidation
- . Release stored carbon

4.3. CUMALITIVE HYDROLOGICAL PRESSURES

The Shannon Basin is already subject to pressures including:

- . Agriculture nutrient loading
- . Peatland Drainage
- . Climate related rot conditions
- . Existing water Abstractions

EU law requires that these cumulative pressures be considered during Appropriate Assessment.

Failure to consider cumulative impacts has been a recurring ground for judicial review of planning decisions in Ireland.

5. CLIMATE LAW CONSIDERATIONS

Ireland's climate legislation requires public bodies to consider climate impacts in decision-making.

Under the climate action and a low carbon development act 2015 (as amended) public bodies must Perform their functions in a manner consistent with the national climate objective.

Irish case law has confirmed that climate obligations under Irish law must be treated seriously in state decision-making.

5.1. ENERGY DEMAND AND CARBON EMISSIONS

Large inter-basin water transfer schemes require significant long-term energy consumption for pumping.

Operation emissions associated with energy use must therefore be considered in climate assessments.

5.2 PEATLAND CARBON IMPACTS

Hydrological changes affecting raised bog systems may lead to:

- . Peat degradation
- . Release of stored carbon

Ireland's peatlands represent one of the countries largest terrestrial carbon stores.

6.1 ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURAL RISKS

Irish courts have repeatedly quashed planning permissions Environmental Impact Assessments failed to meet EU requirements.

6.2 INADEQUATE BASELINE ECOLOGICAL DATA

Environmental assessments must be based on sufficient and reliable baseline data.

Where surveys are incomplete or outdated decision makers cannot properly assess impacts.

6.3 OVER RELIANCE ON MITIGATION

Environmental assessments sometimes rely heavily on mitigation measures to reduce impacts. However, impacts must first be fully understood before mitigation can be relied upon.

6.4 SCIENTIFIC UNCERTAINTY

Appropriate Assessment must contain complete and precise findings capable of removing reasonable scientific doubt regarding impacts on protected sites.

7. IRELAND NATIONAL PLANNING FRAMEWORK (NPF)

Ireland's National planning framework (NPF) part of project Ireland 2040 promotes balanced regional development to counter over concentration of development in the greater Dublin and eastern and Midland region. This proposed abstraction of water from the Midwest region to the Midlands and eastern region is a transfer of natural resources from one region of the country to the benefit of another region. This does not comply with the stated aims of the national planning framework as set out.

8. ALTERNATIVES

Projects affecting natura 2000 sites cannot proceed unless no less damaging alternatives exist.

Potential alternatives include but not limited to:

- . Major leakage reduction in Dublin's water network
- . Demand management policies
- . Rainwater harvesting systems
- . Grey water reuse
- . Decentralised water supply infrastructure

9. APPLICATION OF THE PRECAUTIONARY PRINCIPLE

The precautionary principle requires refusal a projects where environmental risks cannot be ruled out with certainty.

Given the ecological complexity of the Shannon Basin and the number of protected sites potentially affected, such certainty may not be achievable.

10. ADDITIONAL LEGAL GROUNDS COMMONLY USED IN IRISH ENVIROMENTAL JUDICIAL REVIEWS

10.1 ERRORS IN APPROPRIATE ASSESSMENT METHODOLOGY

Irish courts frequently examine whether the appropriate assessment followed a correct scientific methodology. Permissions have been quashed where:

- . Mitigation measures were improperly relied upon during screening
- . Conservation objectives of Natura 2000 sites were not specifically assessed
- . Ecological connectivity between sites was ignored
- . Scientific uncertainty remained regarding impacts

Appropriate assessment must evaluate impact directly against the conservation objectives of each affected site. General ecological commentary is not sufficient.

10.2 WATER FRAMEWORK DIRECTIVE DETERIORATION TEST

The water framework directive requires authorities to prevent deterioration of water body status.

Deterioration may occur where even a single quality element declines, including:

- . Hydromorphology
- . Biological quality elements
- . Chemical status
- . Ecological flow conditions

Where large-scale abstraction could alter river flows or hydromorphology, a detailed deterioration assessment is required. Failure to conduct this analysis has previously resulted in successful judicial review challenges.

10.3 PUBLIC PARTICIPATION AND AARHUS CONVENTION RIGHTS

Ireland is a party to the Aarhus convention, which guarantees Public rights to environmental information, Participation in decision-making and access to justice.

Planning permission is may be challenged where:

- . Consultation processes are in adequate
- . Documentation is excessively technical and inaccessible
- . Critical environmental information is released late

For complex infrastructure projects it is essential that members of the public have a meaningful opportunity to understand and comment on environmental assessments, hydrological modelling and ecological surveys.

11. CONCLUSION

The proposed Shannon Dublin water supply project raise a significant legal and environmental concerns relating to:

- . Impacts on Natura 2000 sites in the Shannon Basin
- . Alteration of hydrological regimes supporting protected habitats
- . Compliance with the Habitats Directive and Water Framework directive

. Climate obligations under Irish law

. Procedure weaknesses with the environmental impact assessment process

Until it can be demonstrated beyond reasonable scientific doubt that the project will not adversely affect the integrity of protected sites, Permission should not be granted.

For these reasons we the members of Clare County Council respectfully request that An Coimisiun Pleanala refuse planning permission for the proposed development.

Tony O'Brien

Pat Burke

Pat Hayes

Conor Ryan

Alan O'Callaghan

Paul Murphy, Cathaoirleach Comhairle
Contae an Chláir

Antonietta Baker Bashe. CCC.

Daniel Gault MCC

Gabriel Keating

Pat Daly MCC

John Crown

Michael Shuman MCC

Bill Slattery

Pat Shuman M.C.C

Conor Ryan

Shane Talty MCC

Tom O'Leary MCC

Joe Killeen MCC

Michael Begley MCC.

13 J MCC

Cue Jay Murphy

Ellie Jay



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

At the March meeting of Clare County Council held on

Monday, 9th March, 2026 it was:

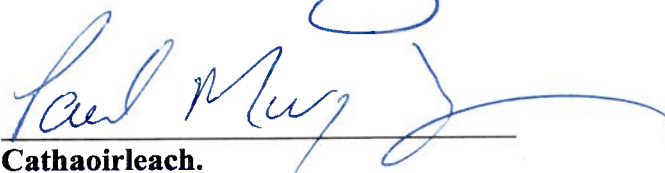
Proposed by: Cur. T. O'Brien

Seconded by: Cur. P. Burke

And agreed

“To attach report, agreed by the Elected Members which contains a number of observations and recommendations in respect of the proposed Water Supply Project for the Eastern and Midlands Region, to the Chief Executives report, already prepared under Section 37 E (4) and (5) of the Planning Act, and which is to be submitted to An Coimisiún Pleanála.”

Signed: 
Riarrthóir Cruinnithe.

Signed: 
Cathaoirleach.

Dated: 9/3/2026

Extract from the Draft Minutes of the March 2026 Monthly Meeting of Clare County Council

Item 9: Chief Executives Report in accordance with the requirements of Section 37E (4) and (5) of the Planning & Development Act, 2000 (as amended) in relation to the Water Supply Project for the Eastern and Midlands Region.

The Chief Executive report dated 3rd March, 2026 was circulated with the agenda.

The report was prepared in accordance with the requirements of Section 37E (4) and 37E (5) of the Planning and Development Act, 2000, as amended, following on from the submission of a Strategic Infrastructure Development (SID) to An Coimisiún Pleanála (ACP).

The report states that the proposed development is to provide a new source of drinking water for the Eastern and Midlands Region to meet a deficit in supply. The proposal involves the abstraction and pumping of raw water from the Lower River Shannon at Parteen Basin, the treatment of the water nearby at Birdhill, County Tipperary, and pumping of the treated water to a high point near Cloughjordan, County Tipperary. From this high point near Cloughjordan, the treated water will flow generally by gravity through the Midlands, to a termination point at Peamount, in County Dublin (within the administrative area of South Dublin County Council), where it will connect into the existing Greater Dublin Area water network. The development is to facilitate a maximum abstraction of 300 Mega litres per day (Mld) during the short-peak demand periods. The project is designed to have a lifespan of 80-100 years.

The main components of the development are as follows:

- Raw Water Intake & Pumping Station at Garrynatineel, Ballina, Co. Tipperary;
- Water Treatment Plant at Incha Beg, Birdhill, Co. Tipperary;
- Break Pressure Tank at Knockanacree, Cloughjordan, Co. Tipperary;
- Booster Pumping Station at Coagh Upper, Birr, Co. Offaly;
- Flow Control Valve at Commons Upper, Celbridge, Co. Kildare;
- Termination Point Reservoir at Loughtown Upper, Peamount, County Dublin;
- c. 172km of pipeline connecting the water infrastructure sites;
- Upgrading and associated works to the existing Ardnacrusa – Birdhill 38kV line and Ardnacrusa – Birdhill – Nenagh 38kV line.
- Works at the existing Birdhill 38 kV electricity substation, power connections to infrastructure and all ancillary works above and below ground.

- The application relates to a project which will require a water abstraction licence from the Environmental Protection Agency (EPA) under the Water Environment (Abstractions and Associated Impoundments) Act, 2022.
- The application is accompanied by a Compulsory Purchase Order under the provisions of the Housing Act, 1966 as amended.
- The application is accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS).

G. Daly, Chief Executive, addressed the meeting and provided a summary of the Chief Executive's Report. He noted that, in accordance with legislation, and following the submission of a Strategic Infrastructure Development (SID) application to An Coimisiún Pleanála, the Chief Executive is required to prepare and submit a report outlining the views of Clare County Council on the effects of the proposed development on the environment, as well as on the proper planning and sustainable development of the area.

Mr. Daly further outlined that the relevant legislation requires the Chief Executive to provide this report to the elected members in advance of its submission to An Coimisiún Pleanála, in order to seek their views. The members may, by resolution, attach recommendations to the report.

Mr. Daly presented the report in detail and highlighted that Section 5 sets out key observations and concerns regarding the potential impacts of the proposed water abstraction on tourism, agriculture, and environmental matters. He also confirmed that, given the complexity of the proposal, he has requested that a public Oral Hearing be convened.

The elected members engaged in an extensive discussion on the proposed development. While they welcomed the preparation of the Chief Executive's Report, members expressed the view that the wording was too lenient and did not accurately reflect their position.

The members raised the following key points:

- They expressed strong concern that the project primarily serves the interests of the greater Dublin area, with no direct benefit to County Clare.
- They noted that the objective of the National Planning Framework is to promote balanced regional development; however, the proposal appears to disproportionately benefit the eastern and midlands regions.
- Members highlighted the significant risk posed to tourism, given that Lough Derg is a key tourism asset for the East Clare region.

- Concerns were raised regarding existing wastewater infrastructure deficits in County Clare and the resulting limitations on future development and the ability to attract industry.
- Members questioned the resilience of the proposal during drought conditions.
- They also noted the existence of alternative options that, in their view, have not been adequately explored by Uisce Éireann.

G. Daly, Chief Executive, acknowledged the concerns raised by the elected members and noted that the local authority is constrained by the provisions of the Planning and Development Act. He clarified that, as a result, the authority is not permitted to comment on alternative options within the Chief Executive's Report.

However, he emphasised that any submission made directly by the elected members is not subject to these same limitations and may therefore be frank and explicit in outlining their views.

Mr. Daly agreed that the Chief Executive's Report is technical in nature and again highlighted that, given the complexity of the proposal, he has requested that a public Oral Hearing be convened.

He further restated that, in accordance with the Act, the elected members may, by resolution, attach recommendations to the report.

The elected members submitted a separate report and requested that it be appended to Clare County Council's submission to An Coimisiún Pleanála. The report provided by the members sets out in detail the following points:

1. The project presents credible risks to the integrity of several Natura 2000 sites within the Shannon Basin.
2. The hydrological and ecological impacts have not been ruled out beyond reasonable scientific doubt.
3. The Environmental Impact Assessment (EIA) process may be legally deficient in several respects, including issues that have previously resulted in successful judicial review challenges in Ireland.

Ar moladh Cllr. T. O'Brien

Cuidithe ag Cllr. P. Burke agus glacadh leis

"To attach report, agreed by the Elected Members, which contains a number of observations and recommendations in respect of the proposed Water Supply Project for the Eastern and

Midlands Region, to the Chief Executives report, already prepared under Section 37 E (4) and (5) of the Planning Act, and which is to be submitted to An Coimisiún Pleanála.”