CRU/19/091 Irish Water Revenue Control - Revenue Control 3 (2020-2024)
Closing Date 11th September 2019
Submission from Clare County Council

Introduction

Clare County Council welcomes this opportunity to comment on the document in particular under the following headings.

1. Small Towns and Villages Growth Programme.
1.1 Discharge licensing.
1.2 Rural Water Programme.
1.3 Development Plan.
2. Developer Provided Infrastructure (DPI).
3. Capital Programme Irish Water Investment Plan 2020 to 2024.
4. Recommendations.

1.0 Small Towns and Villages Growth Programme

For County Clare the issue of un-sewered towns and villages is of great concern. It is preventing housing developments, commercial interest and growth of communities in rural villages and towns which is having a negative social and economic impact and leading to further depopulation in these settlements.

Under Irish Water's *"Investment Plan 2020-2024 for CRU Review Appendix 2B-Stakeholder Engagement Feedback from Stage 2 "* (pages 104/105) they have elaborated on their proposals with regard to the *Small Towns and Villages Growth Programme.*

Extract from Appendix 2B-Stakeholder Engagement Feedback.

> ***"Small Towns and Villages Growth Programme***
> *Feedback from respondents on this theme included the following:*
> *Welcome for the clarification provided that the Programme was not restricted to agglomerations above 500 PE;*
>
> *Concern with the response given in the Draft Investment Plan on the use of Rural Regeneration Development Fund of the NDP to provide wastewater capacity in un-sewered villages;*
>
> *Respondents stated their view that the proposed funding allocation methodology, based on the wastewater treatment capacity register for plants above 500 PE, would not be fair to all counties as it doesn't consider capacity deficits in plants below 500 PE; and*
> *105 | Irish Water | Investment Plan (2020 to 2024) for CRU Determination*
>
> *The importance of balanced regional development and attention to investment requirements in rural towns and villages.*

IW Response

We have considered again the question of whether the Small Towns & Villages Growth Programme should be open to funding water services infrastructure in un-sewered villages. Given the scale of investment required across the public water and wastewater systems under the WSPS themes of Quality, Conservation and Future Proofing, this will require significant levels of investment over multiple investment cycles.
Investment in providing water services infrastructure in un-sewered villages at relatively high unit cost per housing unit capacity would require equivalent reduction in investment for the above priority objectives. ***We therefore conclude that the Small Towns & Villages Growth Programme should be utilised to provide growth capacity in towns and villages which have IW infrastructure as set out in the revised Appendix 3 to this document****.* ***We are happy to support Local Authorities who wish to seek funding for un-sewered villages through the Rural Regeneration and Development Fund of the NDP.***
We have taken on board the submissions in relation to the fairness of the proposed funding allocation methodology. We have now changed the methodology so that it will be based on the capacity register for all IW wastewater treatment plants and not just the plants over 500 PE. This will require us to complete additional work to establish the capacity register for plants of less than 500 PE We are aiming to have this work completed in 2019."

Initially the response appears positive and Irish Water seem to indicate that funding for un-sewered villages would require significant levels of investment over multiple investment cycles and would require a reduction in investment in other priority objectives . All relevant stakeholders would agree with that statement.

However by the next paragraph they have concluded that they will only utilise the ***Small Towns & Villages Growth Programme*** which have existing Irish Water infrastructure. They will however support Local Authorities in seeking funding for un-sewered villages from other sources.

The fundamental problem with this position by the single Water Services Authority for the entire country ie Irish Water is that it ignores the fact that local authorities cannot seek funding from other sources such as the Rural Regeneration Fund to develop waste water infrastructure in un-sewered towns and villages. That is not to say that this approach has not been taken , it has, but was unsuccessful , but the fact is there is no legislative background for a local authority to embark on this course of action.

The Water Services (No 2) Act 2013 basically transferred nearly all functions previously conferred on the 31 local authorities who were Water Services Authorities under the 2007 Water Services Act to Irish Water.

Under Section 32 of the Water Services Act 2007 the main functions of the Water Services Authority which is now Irish Water are as follows (bold text highlighting the provision of infrastructure) ;

General functions of water services authorities in relation to provision of water services.

32*.— (1) A water services authority may take all necessary measures to ensure compliance with its obligations under section 31 and for the purposes of carrying out its functions under section 31 including—*

(a) the abstraction, impoundment, treatment, purchase or supply of water for drinking or any other purpose, in accordance with relevant provisions of this Act or any other enactment, or regulations made under this or any other enactment,

(b) ***the provision, operation or maintenance of sewers and waste water collection and treatment facilities,*** *in accordance with relevant provisions of this Act or any other enactment, or regulations made under this or any other enactment,*

(c) ***the construction or maintenance, or arrangement for the construction and maintenance of, waterworks or waste water works,***

(d) ***the undertaking of such work as is necessary to provide such waterworks or waste water works as may be required,***

(e) ***purchasing or obtaining premises or wayleaves****,*

(f) the installation and maintenance of meters, or otherwise measuring the volume or rate of flow of water supplies or discharges to waste water works,

(g) monitoring the quality of water supplies at any point or points,

(h) monitoring the quality of waste water at any point or points,

(i) ***treatment, reuse or disposal of by-products arising from the treatment of water or waste water,***

(j) without prejudice to the State Authorities (Public Private Partnership Arrangements) Act 2002, entering into an agreement with any person in relation to or for the provision of, whether by that person or jointly with that person, water services F22 […],

(k) without prejudice to the State Authorities (Public Private Partnership Arrangements) Act 2002, entering into an agreement or arrangement with any person for the provision of water services to that person, including in relation to assigning capacity in a waterworks or reserving capacity in a waste water works for the provision of water services to that person,

(l) authorising, controlling, monitoring or supervising the provision of water services by any other person

(m) carrying out all such surveys, research, analysis, monitoring or undertaking any other action which may be necessary for the purposes of its functions under this section,

(n) the provision of guidance, advice or information to other persons in relation to water services,

(o) entering into such contracts or other arrangements as it considers necessary or expedient for the use, purchase, or lease of any buildings, premises, materials, services, machinery or other apparatus, or

(p) ***taking waterworks or waste water works provided by other persons in charge.***

There are particular "exclusion provisions**"** that apply here also under the Water Services No 2 Act 2013 which allow a local authority to be still referred to as a Water Services Authority but only under the following headings;

(i) Section 32(1)(b) storm water sewers,

(ii) Part 4A ,Domestic type waste water treatment ie septic tanks ,

(iii) Part 6 ,The Rural Water Programme (other than sections 91 and 92),

These provisions are not related to the provision of waste water infrastructure. Therefore it is disingenuous for Irish Water to suggest that local authorities can in their own right seek funding and develop waste water collection and treatment systems for un-sewered towns and villages. Parts (b)(c)(d) and (e) of Section 32 of the Water Services Act 2007 which previously empowered local authorities to provide such works now rests solely with Irish Water.

It is clear from Irish Water's position that they have no plan to provide the necessary waste water infrastructure in un-sewered towns and villages and the local authority sector cannot and have no legislative means to provide it.

1.1 Discharge licensing.

Notwithstanding those insurmountable obstacles a local authority equally cannot get a discharge licence to discharge from such a plant were they able to provide it , which they are not**.** The only mechanism open for a local authority to be granted a waste water discharge licence was under the Waste Water Discharge (Authorisation) Regulations 2007 S.I. No. 684/2007.The granting body is the Environmental Protection Agency.

There is equally no mechanism in the legislation to transfer a discharge licence from a Developer provided waste water treatment plant to another party. A new application must be made.

The Environmental Protection Agency have now made clear their position on licencing discharges from waste water treatment plants and do not recognise local authorities as a Water Services Authority for discharges in accordance with legislation .

1.2 Rural Water Programme.

The Framework for the Multi-Annual Rural Water Programme 2019-2021 equally provides no relief for the local authority sector and local communities in providing the required waste water infrastructure. The two main current Measures 5 and 6 which deal with waste water are focussed on connecting to the Irish Water Network. These networks do not exist in many towns and villages in rural counties. There is no measure in this Programme which will facilitate the provision of a waste water treatment plant.

Measure 5 – Transition of Existing Group Water Schemes and Group Sewerage Schemes to the Public (Irish Water) Water Sector: *This measure enables existing group water schemes and existing group sewerage schemes, where they wish to do so and with the agreement of Irish Water, to transition to the public water sector (Irish Water),*

Measure 6 - Community Connections (Water and Wastewater): *This measure facilitates the continued expansion of the coverage of piped water supplies and central wastewater collection systems by extension off the public (Irish Water) network,*

Clare County Council's 2016 application for allocations under the DHPCLG's Rural Water Programme (RWP) included a sewerage system for Carrigaholt under at that time *Measure 5(a): Research & Innovation – Integrated wetland proposals.* However no allocations were made in Measure 5(a) in 2016 to any local authority. The Dept have also indicated that they are not in favour of grant aiding the provision of waste water treatment plants under the RWP.

1.3 Development Plan

There also appears to be a total disconnect between Irish Water's investment plan and the local authority sector County Development Plans.

As an example the Clare County Development Plan 2017-2023 sets out in its Core Strategy a settlement hierarchy ranging from the County and Hub Town of Ennis, the linked Gateway of Shannon, 3 Service Towns, and a range of towns, villages and clusters. Each of the 88 settlements in the County are defined in terms of their location in the hierarchy. The location of a settlement within the hierarchy is a reflection of the anticipated social, economic and physical and infrastructure – including public sewerage and the Council's priority during the Development Plan period. Clare County Council would be advocating that the investment in wastewater infrastructure is in line with the location of the settlement in the hierarchy with priority in the following order: to Service Towns; Small Towns; large villages; and small villages.

(A) The county town, the linked gateway, and all the service towns and small towns defined in the County Development Plan are served by public sewerage networks for which Irish Water is responsible, and which are managed by Clare County Council on IW's behalf under the Service Level Agreement. The same is true for the following large and small villages defined in the Plan.

Large villages

Athlunkard	Doonbeg	Mountshannon
Ballyvaughan	Feakle	Mullagh
Bunratty	Inagh	Parteen
Clarecastle	Kildysart	Quilty
Clonlara	Kilfenora	Quin
Corofin	Kilkishen	Whitegate
Crusheen	Kilmihil	

Small village

Liscannor

(A) The following large and small villages defined in the County Development Plan have **networks, and in most cases treatment plants, serving small local groups of either (i)**

publicly-built houses or (ii) developer-built housing estates now in the Council's charge. In most cases these systems are managed at the Council's expense rather than Irish Water's.

Large villages

Ardnacrusha	Cooraclare	Lissycasey
Bridgetown	Kilmaley	Meelick (Ballycannon)
Broadford	Kilmurry	O'Brien's Bridge
Carrigaholt	Labasheeda	Doolin

Small villages

Ballynacally	Fanore	Querrin
Bodyke	Flagmount	Ruan
Connolly	Killimer	Spanish Point
Cree	Moy	Toonagh
Cross	O'Callaghan's Mills	Tubber

(B) The following large and small villages defined in the County Development Plan have **no sewerage systems**, other than in some cases small developer-built systems not yet in the Council's charge.

Large villages

Barefield	Cratloe	Doolin

Small villages

Ballinruan	Cranny	Kilnamona
Ballyea	Doonaha	Kilshanny
Belharbour	Inch	Knock
Boston	Kilbaha	Knockerra
Caher	Kilbane	Moyasta
Cappa (Kilrush)	Killanena	Ogonnelloe
Carron	Kilmurry McMahon	
Clooney	Kilnaboy	

Clare County Council has made many representations/submissions to Irish Water, The Department of Rural and Community Development and The Department of Housing, Planning and Local Government over the past two years to include in its capital investment programmes the provision of public sewerage in 4 No. villages namely Broadford, Carrigaholt, Cooraclare and Doolin in line with its Development Plan. Four funding applications which were submitted under the Rural Regeneration and Development Fund (RRDF) in 2018 were not successful. Discussion with various Government Departments would indicate that their view is that such funding is a matter for Irish Water. The following paragraphs summarise the issues at these villages by way of explaining the negative economic, social and physical impact being caused by the lack of wastewater.

Broadford
Broadford is a village located just 10km north of Limerick City environs, on the cross roads of the Limerick – Scarriff Road (R466), the R465 from O'Briensbridge to Tulla and within close proximity of the strategic location of the Limerick Shannon Metropolitan Area set out in the National Planning Framework (NPF).

Enhanced regional accessibility is a priority investment objective of the National Development Plan (NDP) 2018-2027. The proximity of settlements to the Northern Distributor Road will give access to the University of Limerick and the Limerick Shannon Metropolitan Area enhancing job creation and community development within existing connected settlement areas such as Broadford Village.

Clare County Council Planning Department carried out two public consultation events at Broadford in 2018 as part of the Pilot Village Study and it was clear that local persons and local land owners have a keen interest in the development of the residentially zoned land in Broadford for housing purposes, however the lack of a sewerage treatment system is curtailing such development.

There have been a number of pre planning enquiries regarding housing and commercial developments on appropriately zoned land in the village over the last number of years. However due to the lack of a public sewerage treatment system, the pre-planning response from Clare County Council has recommended against such proposed developments are premature until such time as a public sewer scheme is available in the village.

Cooraclare
The Doonbeg River at Cooraclare has been rated as 'at risk' (by the EPA) of not achieving Water Framework Directive (WFD) objectives by 2021. The river section is coded Doonbeg_030 and is currently at Poor Status with Ecological status (biological invertebrate) as the main driver for the status.

The Doonbeg River bounds the village on the East behind the main street and crosses the street at the Southern end of the village. This river is seen as an amenity in the village and the presence of pathogens from untreated sewage which may be present is a significant public health risk. The village extends across varying geology of sand/gravel derived soils and poorer draining clay soils. Due to drainage characteristics at Cooraclare, susceptibility for nutrients (i.e. Nitrate and Phosphorus), to travel within the subsoil is significantly high meaning that diffuse pathways for pollutants to reach and impact the river is a critical element in terms of effluent treatment. There is significant impact to the river due to inadequate wastewater treatment. **This is evident by sewage fungus clearly observable across the bed of the river coming from properties directly adjacent but also primarily from a stone flag drain at the downstream side of the bridge, heavily contaminated by sewage effluent from the village.**

The local authority is statutorily obliged to address this issue under the current cycle of the River Basin Management Plan (RBMP) particularly as this water body is also a chosen Priority Area for Action whereby status must improve and be restored from 'Poor' to at least 'Good' by 2021.

Another crucial factor in driving the river towards improvement is the presence of Freshwater Pearl Mussels in the river and our statutory requirement to protect their populations as well as their habitat. The Doonbeg River has been surveyed and confirmed for viable populations of Freshwater Pearl Mussel with beds present at several locations including at Cooraclare Bridge.

Carrigaholt

The village has currently no sewerage infrastructure, with only individual septic tanks and small package plants in place. As a result of this (and pollution from diffuse agricultural sources), the River Moyarta, which runs through the village and discharges to Carrigaholt Bay, is experiencing serious pollution, particularly during the summer months.

One of the main concerns of Clare County Council and the community of Carrigaholt is the protection of the thriving aquaculture industry which exists in the village and its tourist industry. There are a number of licensed oyster beds in and around the waters of Carrigaholt Bay and the beds currently have a Class A status. In addition, the Bay itself is within the Special area of Conservation of the Lower River Shannon and is designated as a Shellfish protection area.

Carrigaholt is within the waterbody Moyana_010 (sub-catchment 27-8 Doonaha_SC_010). Current Status is Poor and is 'at risk' of not achieving WFD objectives by 2021. This is a priority area for action under the current cycle of the River Basin Management Plan running to the end of 2021. Wastewater has been identified as a significant pressure for the Moyarta River and Carrigaholt Bay. The main drivers giving the poor status is ecological quality (biological invertebrates) well as ortho-phosphate and data shows a significant upwards trend driving the overall status to Poor (not meeting WFD objectives).

Carrigaholt Bay is within (SAC 002165) a Designated Shellfish Production Area under European Communities (Quality of Shellfish Waters) Regulations 2006 and Shellfish Directive 2006/113EC. Under these regulations, local authorities are the competent and prescribed body for the implementation of Pollution Reduction Programmes (PRPs), which are also regarded as sub-basin plans under the River Basin Management Plans, for the improvement and protection of shellfish waters. Shellfish Waters are regarded as Protected Areas under the Water Framework

Directive (WFD) and are prioritised as regards improving and protecting water quality. As well as requiring compliance with the European Communities Environmental Objectives for Surface Waters (transposing WFD objectives), the Moyarta River and its receiving waters of Carrigaholt Bay must be cognisant of microbial loadings coming from the catchment including via the Moyarta River which determines compliance of those waters with Shellfish Regulations.

Doolin

There is a requirement to support and develop the tourism industry at Doolin as an economic driver for north-west Clare, while at the same time developing the indigenous service base of the village and the role of the village for the provision of permanent housing.

Doolin village does not have an integrated sewerage infrastructure and the lack of this facility has been inhibiting the growth and development of the village.

With 749,000 overseas visitors and domestic visitor trips of 362,000 trips to County Clare in 2017, tourism activity equated to a combined revenue spend of €244M in 2017. These figures have been validated by Fáilte Ireland

In addition to the requirement to develop the tourism and residential potential of the village, there is also a requirement to protect the environment and water quality in the area. Individual dwellings and businesses at Doolin have either individual septic tanks or small package plants in place. As a result of this (and pollution from diffuse agricultural sources), the River Ailed, which runs through the village and discharges to Doolin Bay, is experiencing serious pollution, particularly during the summer months (as seasonal loadings are a factor here).

The Aille River that navigates through Doolin is within waterbody Aille_010 and is currently at Poor Status, the main driver for status is the ecological status (biological quality), the waterbody is 'at risk' of not achieving WFD objectives by 2021. The river is also **a priority area for action** (the priority areas for action were selected based on the priorities in the river basin management plan, the evidence from the Water Framework Directive characterisation process, and the expertise, data and knowledge of public body staff with responsibilities for water and the different pressure types).

IW did indicate that if the local authority could build the infrastructure that IW would take in charge and operate the waste water treatment plant. However the RRDF funding was not granted.

To date Irish Water's response has been that the provision of new systems is lower in its priorities than rectification of deficiencies in existing systems. However they appear to have gone a step further in their proposed investment plan and are now focusing solely on their existing assets.

The Government Departments have equally failed to provide any mechanism to address the issue and believe the solution lies with Irish Water.

In addition to the above I outline below two examples of strategic housing development that has been prohibited by the lack of wastewater infrastructure:

Milltown Malbay

- Clare County Council owns land with intent to develop 27 social housing units. Existing waste water treatment plant is at capacity. Currently Clare County Council is waiting on a connection agreement with IW.

Killaloe

- The development of a Community Primary Healthcare Centre and Pharmacy has been refused Planning permission via An Bord Pleanála due to capacity issues in the WwTP in Ballina.
- A social housing development for 40 housing units (developer in partnership with Clare County Council) is waiting on a connection agreement with IW.

2.0 Developer Provided Infrastructure (DPI)

Also of immediate concern to Clare County Council is the issue of Developer Provided Infrastructure and the fact there is no provision by Irish Water in their investment plan for taking in charge such infrastructure. As described under Section (B) and (C) of the hierarchy of villages in the County Clare Development Plan there are many villages with DPI where no IW infrastructure exists.
Irish Water have also made clear in their Memorandum of Understanding (MoU) with all local authorities regarding taking in charge of estates that they will not take in charge stand alone DPI.

But under Section 32 (p) of the Water Services Act 2007 it is the responsibility of Irish Water to take in charge such infrastructure.

32.— *(1) A water services authority may take all necessary measures to ensure compliance with its obligations under section 31 and for the purposes of carrying out its functions under section 31 including—*

(p) ***taking waterworks or waste water works provided by other persons in charge.***

The local authority have no power to take such infrastructure in charge or operate it. However as described previously there are also particular "exclusion provisions" that apply here under the Water Services No 2 Act 2013 which allow a local authority to be still referred to as a Water Services Authority under the following headings;

(i) Part 6 ,The Rural Water Programme (**other than sections 91** and 92),

In effect a local authority now has no power under Section 91 , i.e they are excluded, to take in charge either temporarily or permanently Developer Provided Infrastructure. However one of the challenges facing local authorities is in dealing with estates which have been effectively abandoned by the original Developer for whatever reason. Historically a local authority would have exercised its powers under Section 91 of the Water Services Act 2007 to abate any risk to human health or the environment.

That function now rests with Irish Water who have categorically refused to deal with such issues in accordance with their MoU.

The Planning and Development Act under Section 180 is silent on waste water treatment plants. That legislation does not specifically mention DPI but references the fact that a Planning Authority under Section 180 (4) (c) that is not a Water Services Authority **shall not take in charge** any sewers, watermains or service connections in attendant grounds of the development but shall request the relevant Water Services Authority to do so. The MoU with Irish Water who are the Water Services Authority rules out that option.

So we have a situation where the Authority vested with all the functions/powers to deal with DPI (Irish Water) will not do so and the local authority who by virtue of being the only visible presence to residents of abandoned DPI estates when issues arise are being forced to act "ultra vires" to resolve issues. In addition when residents under section 180 of the Planning and Development act hold the required plebiscite requiring the local authority to take the estate in charge the local authority have no power to take in charge ,operate or obtain a discharge licence for the DPI.

Water Services Act 2007.

Take-over of the operation or management of a waterworks or waste water works on a temporary basis.

91.— *(1) Subject to subsection (4), a water services authority may by order take over the operation or management of a waterworks or waste water works on a temporary basis (with or without the consent of the owner or trustees of the owner or other persons entitled to sell it) where—*

(a) in the opinion of the water services authority—

(i) the waterworks or waste water works is being operated or managed in such manner as to cause, or be likely to cause, a risk to human health or the environment,

(ii) the relevant licence holder under section 81 has persistently failed to comply with the conditions of a water services licence, or

(iii) the resources of the licence holder under section 81 , in terms of financial, operational or management capacity, or access to the same, are not sufficient to ensure the effective or efficient provision of water services in accordance with prescribed standards,

or

(b) a water services licence for the scheme has been refused or revoked.

(2) Where a water services authority has taken over the management and operation of a waterworks or waste water works in accordance with subsection (1)—

(a) the water services authority may take such action as it considers necessary, in accordance with its powers under this Act, to provide water services through the waterworks or waste water works on behalf of the owner or trustees,

(b) the water services authority shall not be liable for existing debts and liabilities in relation to the waterworks or waste water works, but may at its discretion discharge such debts or liabilities, in whole or in part.

(3) A water services authority may recover all or part of its costs under this section from the owner or trustees of the owner of the waterworks or waste water works.

(4) A temporary take-over by a water services authority of the operation or management of a waterworks or waste water works under subsection (1) shall be reviewed by the water services authority at intervals not exceeding 12 months.

(5) If, in the opinion of the water services authority, arising from a review under subsection (4), the relevant water services provider—

(a) is capable of resuming the operation or management of the waterworks or waste water works, the take-over under subsection (1) shall cease as and from a date to be notified by the water services authority,

(b) is not capable of resuming the operation or management of the waterworks or waste water works, the water services authority may—

(i) by order extend the temporary take-over of the operation or management of the waterworks or waste water works under subsection (1) for a further period not exceeding 12 months,

(ii) take into public charge or acquire the waterworks or waste water works in accordance with section 95 ,

(iii) acquire the waterworks or waste water works by compulsory purchase order in accordance with its powers under this Act, or

(iv) provide alternative water services to the users of the water services being provided via the waterworks or waste water works.

(6) A water services licence issued to a water services provider under section 81 in respect of any relevant undertaking, or any relevant licence under section 63 or under section 4 or 16 of the Act of 1977, will lapse for the duration of the take-over of the management or operation of the undertaking.

3.0 Capital Projects Irish Water Investment Plan 2020 to 2024

Wastewater

The table below lists IW waste water projects in County Clare (Investment Plan 2020-2024 - Appendix 4 Projects and Programmes) with comments on their advancement. However the vast majority of these projects are part of existing/previous investment plans (CIP 2014 – 2016, CIP 2017-2021, Clare UTAS 2017 -2021 & the Capital Programmes investment period).
None at this time have advanced to construction apart from Quinn WWTP which recently has had a contractor appointed who is currently in the design phase as part of IW Early Contractor Involvement programme.
No budgets have been aligned with any of the projects within IW Investment Plan for CRU review nor has there been an assessment of costs already expended.

In addition to the IW project list Clare County Council have added a number of other projects for consideration, highlighted in red, and to be included within IW CIP 2020-2024 investment period.

Project Name	Primary Asset Category	LA	Project Description	Comment
Ballyvaughan WWTP	Waste Water Above Ground	Clare	Provision for the WWTP to protect environment and quality of receiving waters, increase capacity and facilitate future growth.	Infrastructure Silo: Currently at Gate 2 as part of Clare UTAS 2017- 2021.
Clareabbey WWTP	Waste Water Above Ground	Clare	Upgrade of WWTP to protect environment and quality of receiving waters and facilitate growth	Capital Programmes Silo: Currently at Gate 2 under a national programme for storm tanks and inlet works.
Clonroadmore WWTP	Waste Water Above Ground	Clare	Upgrade of WWTP to protect environment and quality of receiving waters and facilitate growth	It is not clear whether this is an ongoing project as part of process optimisation or an upgrade to provide additional capacity in line with Clare's CDP 2017-2023.
Doonbeg WWTP	Waste Water Above Ground	Clare	Upgrade of WWTP to protect environment and quality of receiving waters and facilitate growth	Capital Programmes Silo:
Ennistymon WWTP	Waste Water Above Ground	Clare	Upgrade of WWTP to protect environment and quality of receiving waters and facilitate growth.	Infrastructure Silo: Currently at Gate 1/2 as part of Clare CIP 2017- 2021
Inagh WWTP	Waste Water Above Ground	Clare	Upgrade of WWTP to protect environment and quality of receiving waters and facilitate growth	Capital Programmes Silo: Currently at Gate 2 under a national programme for storm tanks and inlet works.
Kilfenora WWTP	Waste Water Above Ground	Clare	Provision for the WWTP protect environment and quality of receiving waters, increase capacity and facilitate future growth.	Infrastructure Silo: Currently at Gate 2 as part of CIP 2014-2016.
Kilkee WWTP	Waste Water Above	Clare	Provision for the WWTP to protect environment and quality of	Infrastructure Silo: Currently at Gate 2 as part of Clare UTAS 2017- 2021.

	Ground			
Kilkishen WWTP	Waste Water Above Ground	Clare	Upgrade of WWTP to protect environment and quality of receiving waters and facilitate growth	It is not clear what this project is for.
Kilrush WWTP	Waste Water Above Ground	Clare	Provision for the WWTP to protect environment and quality of receiving waters, increase capacity and facilitate future growth.	Infrastructure Silo: Currently at Gate 2 as part of Clare UTAS 2017- 2021.
Lahinch WWTP	Waste Water Above Ground	Clare	Provision for the WWTP to protect the environment and quality of receiving water.	Infrastructure Silo: Currently at Gate 1/2 as part of Clare CIP 2017- 2021.
Liscannor WWTP	Waste Water Above Ground	Clare	Provision for the WWTP to protect environment and quality of receiving waters, increase capacity and facilitate future growth.	Infrastructure Silo: Currently at Gate 2 as part of Clare UTAS 2017- 2021.
Newmarket-on-Fergus WWTP	Waste Water Above Ground	Clare	Provision for the WWTP to protect environment and quality of receiving waters, increase capacity and facilitate future growth.	Infrastructure Silo: Currently at Gate 1/2 as part of Clare CIP 2017- 2021. No WWTP upgrade - This project is only providing a new outfall.
Quin WWTP	Waste Water Above Ground	Clare	Provision of WWTP to protect environment and quality of receiving waters and facilitate growth.	Infrastructure Silo: Currently at Gate 3 as part of CIP 2014-2016.
Shannon WWTP Phase 2	Waste Water Above Ground	Clare	Upgrade of WWTP to protect environment and quality of receiving waters and facilitate growth	Infrastructure Silo: Currently at Gate 2 as part of Clare CIP 2017- 2021.
Clarecastle WW Network	Waste Water Below Ground	Clare	Provision for the WW network to protect environment, increase capacity and facilitate future growth.	Infrastructure Silo: Currently at Gate 2 as part of Clare UTAS 2017- 2021.
Ennis North	Waste Water Below Ground	Clare	Scope of project to be informed by outcome of DAP. Primary objective is to focus on storm water	This project has not commenced.

			overflow compliance and provide for growth.	
LIHAF/MUHDS Growth Programme (Wastewater) - Claureen, Ennis	Waste Water Below Ground	Clare	Programme to construct necessary wastewater infrastructure to support LIHAF and MUHDS initiatives in order to facilitate growth in Claureen, Ennis.	This project has not advanced.
Shannon Town WW Network	Waste Water Below Ground	Clare	Provision for the WW Network to protect environment, increase capacity and facilitate future growth.	Infrastructure Silo: Currently at Gate 1/2 as part of Clare CIP 2017- 2021.
Milltown Malbay WWTP	Waste Water Above Ground	Clare	A new plant at Milltown Malbay will be required to handle seasonal increases in population from 800 (baseline) to almost 8,000 PE at peak	No advancement since ARUP Consulting Engineers were commissioned by IW to carry out an options study and report in 2016.
Lakyle Heights	Waste Water Above Ground	Clare	Upgrade of existing WWTP to protect environment and quality of receiving waters and facilitate growth	A new or upgrade of existing WWTP is required with EPA licence as the existing plant is non compliant and PE>500
Whitegate WWTP	Waste Water Above Ground	Clare	Upgrade of existing WWTP to protect environment and quality of receiving waters and facilitate growth	A feasibility report commissioned by IW recommended that additional land to be bought in order to facilitate an integrated wet land construction for Whitegate – no advancement.

Pilot sites in Co. Clare at Ballycannon and Kilmihil were identified under IW NCAP programme however further to inspections and surveys already carried no other advancement has been made.

Water Supply and Production.

An urgent priority which should be considered is an upgrade to CastlelakeWTP – this is particularly urgent in light of the anticipated development in the Shannon Region as outlined in the Regional Spatial Economic Strategy (RSES) .
Asset Needs Brief's (ANB) were submitted by Clare County Council in 2014 but an upgrade to Castlelake WTP was considered unnecessary by IW Asset Strategy as a global solution involving a reduction in WTP's nationally by virtue of the fact that the Shannon Sixmilebridge (and possibly Ennis) Water Supply Zones could be served using significant spare capacity in Limerick's Clareville WTP.

More recently it appears this plan is to be shelved unilaterally by IW and no indication is given as to what progress (if any) has been made to increase production at Castlelake to meet anticipated demand at Castlelake or indeed what improvements are proposed to remedy defects identified in 2014 ANB's in a plant which operates at full capacity for at least 20 hrs per day to meet demands.
There are a number of significant mains replacement projects which have been identified previously, have been prioritised as part of the Tranche 4 Capital Programme but have not been included in the current programmes.

- Replacement of small section of main in Clonlara, which if provided will provide security of supply in the SE Clare Water Supply Zone.
- The N67 Doonbeg – Bealaha Section is a constant source of outages in the West Clare Area and part of that section which has been approved by IW for construction remains "on the shelf" as a result of major Road restoration costs.
- Cast Iron Mains Replacement Ennistymon.
- Upgrade to Killaloe Water Supply Zone (this was not included in the Disinfection Project as it was intended that this supply would connect to the Newport WSZ in Tipperary)
- Decommissioning of the O'Briensbridge WTP by way of mains extension from Clonlara and connection to the Limerick WSZ served from Calreville WTP.
- Replacement of the AC main from Moygalla to Clonmoney Reservoirs and increase storage at the Moygalla Reservoir site.
- Replacement of a section of 450mm Trunk AC mains in Private property in Drumgeely, Shannon (Included in the Tranche 5 review).
- Griffins Cross to Larkin's Cross AC mains replacement – a number of significant outages occurred in this area in 2018.
- Replacement of AC mains in West Clare at various locations:
    - Tullabrack/Gower, Cooraclare
    - Alva/Kilmacduane, Cooraclare.
- CI Mains Replacement Clarecastle:
    - Barrack St and Main St.
    - St. Michaels Terrace (includes lead service replacement)
    - St Josephs Terrace.
    - Quay Rd.
- Tulla Rd., Kilkishen – an increase in outages is anticipated this section which was included in the original ANB submitted for the SMB – Kilmurry mains rehab project (construction which is anticipated to begin in this section in October, 2019).
- Interconnection of Doolough WSZ and Ballymacravan WSZ by means of mains extension from Rockmount Reservoir to Attycristora (Lahinch) Reservoir.

4.0 Recommendations

(i) That Irish Water put in place a programme for un-sewered towns and villages on the basis that there is no legislative basis for local authorities to do so. This which is having a negative social and economic impact and leading to further depopulation in these settlements. It is also an imperative to prevent further rural decline.

(ii) That Irish Water deal with the legacy issue of DPI as again there is no legislative basis for local authorities to take in charge or operate this infrastructure.

(iii) That Irish Water align their capital investment programme with the needs of the regions in accordance with County Development Plans and the Regional Spatial Economic Strategy.

(iv) That Irish Water exercise the full functions of the Water Services Act 2007 which was conferred on them as opposed to the somewhat "a la carte " approach they have adopted in dealing with certain issues as outlined in (i) and (ii).

Regards,

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