

8th December 2023

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Issued by email from ceo@water.ie

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Dear Ms O'Farrell,

I refer to your letter of 27 November 2023 which was sent by email.

Please find enclosed our responses to the questions contained in your letter, which we have reviewed against the transcript. I understand these responses may be published on the Committee's website.

I hope we have provided you and the Committee with the necessary information. If you require any further information, please don't hesitate to contact me.

Yours sincerely



Niall Gleeson
Chief Executive Officer

Oireachtas Committee on Public Accounts

26 October 2023

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Response Document – submitted 8th December 2023

At the Committee meeting on 26th October 2023, some Committee Members had questions that were referred for written response. This document outlines the responses to the questions they raised.

1. **A report on the challenges faced by Uisce Éireann (UÉ) in relation to maintenance and/or improvement of developer provided water services infrastructure facilities, on a county by county, and by local authority, basis.**

During the 1999 to 2007 period many housing developments were constructed with their own water treatment or wastewater treatment plants provided by the developer(s). The use of developer provided interim/ temporary arrangements in certain cases was a recommendation of the second Bacon Report (1999) on housing, where it was intended that permanent infrastructure would follow through the main Water Services Investment Programme over time. This infrastructure is referred to as Developer Provided Infrastructure (DPI) and is standalone infrastructure which does not connect to the public water and sewerage networks for which UÉ is responsible. In many such cases permanent replacement infrastructure that connects to the main public water and wastewater networks is not technically or financially feasible. Based on our best information, approximately 80% of DPI treatment plants are being actively managed, usually by residents or by Local Authorities.

The main risks to the State of bringing DPI into public ownership are:

1. Environmental – the absence of appropriate authorisation for wastewater discharges by the EPA, the poor environmental condition of such assets and the potential for large scale prosecutions; and
2. Financial – the capital and ongoing operational costs would be considerable and there are no capital or operational funding provisions for DPI within the current UÉ budgetary framework.

Stiúrthóirí / Directors: Tony Keohane (Cathaoirleach / Chairman), Niall Gleeson (POF / CEO), Christopher Banks, Fred Barry, Gerard Britchfield, Liz Joyce, Patricia King, Eileen Maher, Cathy Mannion, Michael Walsh.

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Initial discussions have been held between the Department of Housing Local Government and Heritage (DHLGH) and UÉ with a view to finding solutions to DPI infrastructure. For categories of DPI that meet certain criteria, Uisce Éireann will ultimately take over responsibility for the DPI. Other categories will remain with residents with support from the Rural Water Sector in the DHLGH.

Where UÉ can take over the operation and maintenance of DPI, this will take place on a phased basis over a number of years. It will be necessary that all DPI infrastructure is brought to water utility standards prior being taken over by UÉ. These standards include health and safety, environmental compliance and confirmation that the required property interests are in place.

There is a Multi-Annual Programme for DPI which is being implemented by the Department of Housing Local Government and Heritage (DHLGH) under which Local Authorities submit applications for funding for consideration by the Department. This programme provides funding for the decommissioning of standalone DPI, followed by connection to the UÉ network, where technically and economically feasible.

This programme is a work in progress and estates are added over time as applications are received from LAs. To provide an overview of the issue, we are sharing below the DPI county by county data that was shared with Uisce Éireann earlier this year. This information is based on a survey of Local Authorities that was carried out by DHLGH in April 2023.

County	Wastewater DPI	Water DPI
Cork	37	-
Donegal	218	-
Galway	68	-
Kerry	74	4
Kildare	21	1
Kilkenny	5	17
Laois	1	1
Longford	3	-
Roscommon	3	-
Sligo	4	-
Tipperary	27	1
Waterford	6	-
Wexford	88	-

2. The number of boil water notices (BWNs) issued in 2022, the number of such notices currently in place, and the reason(s) for such notices being issued.

Uisce Éireann, as the national water utility, regularly monitor and test all public water supplies under a National Monitoring Programme. The samples are tested against a range of standards set out in the Drinking Water Regulations and are reported to the EPA. If we find harmful bacteria or pathogens in water samples, we:

1. Consult the Health Service Executive (HSE), Ireland's public health authority
2. Tell affected customers, if our consultation with the HSE determines there is a risk to public health
3. Place a Boil Water Notice or Do Not Consume notice on the water supply
4. Tell the Environmental Protection Agency (EPA)
5. Investigate the cause of the issue and correct it.

To protect public health, UÉ will sometimes issue a notice before test results confirm the risk. For example, if a disinfection system fails or a water source is polluted, often after a period of heavy or prolonged rain. These BWNs can be of short and temporary duration.

Uisce Éireann prioritises works necessary to remove a Boil Water Notice. This can often be a mix of operational and small capital works at the treatment plant. Once the works are complete the HSE and EPA are notified. There then follows a period of testing to ensure the issue has been resolved. This period can alter depending on the reason for the BWN. Once this testing period has passed and with the agreement of the HSE, the BWN can then be lifted.

For this reason, and as agreed with the regulators, focus is placed on Boil Water Notices in place for more than 30 days.

As reported in the Financial Report 2022 for Uisce Éireann (p16-18 & p40):

Another priority is the removal of people on BWNs, and 67% of BWNs put in place in 2022 were removed in less than 30 days. However, despite removing 18,584 people from BWNs within 30 days, there were 13 boil water notices in place, impacting a population of 18,287, at year end. The BWNs in place at three large urban locations, Whitegate (9,482), Macroom (4,237), and Clogh/ Castlecomer (3,195) account for the majority of the impacted population. The BWN at Macroom was lifted in February 2023 and the projected date for the removal of the remaining BWNs is subject to consultation and agreement with the HSE. In collaboration with our Local Authority partners and commercial laboratories, we maintained the regulatory monitoring programme during 2022, completing over 187,000 individual tests. The results of this monitoring are published on the Uisce Éireann website for individual water supplies. Drinking water standards remain high with overall compliance at 99.31%.

Some water supplies have had BWNs imposed more than once and for these supplies a longer term solution is needed. This can often be a new or significant upgrade to a treatment plant requiring a separate capital project. These projects are identified through the Uisce Éireann Capital Investment Plan and take on average 5-10 years from design to completion taking account of the legal, regulatory, planning and procurement requirements.

The public water schemes currently with a BWN in place for more than 30 days as at 5th December 2023 are detailed in the following table. Updates on each of these BWNs are available on our website [here](#)

County	Water Supply Zone	Population affected	BWN Issue Date	Status Update
Cork	Whitegate Regional	9011	18/10/2023	Uisce Éireann progressing a permanent solution and is currently awaiting a decision by An Bord Pleanála.
Cork	Macroon	4237	01/11/2023	Uisce Éireann implementing short term measure at the WTP to lift the BWN. Also progressing a major project to upgrade macroon WTP with construction works due to commence in 2024.
Galway	Tuam Regional Water Supply Scheme	650	30/03/2023	Uisce Éireann are progressing a programme of cast iron pipework replacement in the affected areas of Loughrea.
Galway	Tuam RWSS	46	03/08/2023	Uisce Éireann progressing with preliminary design for mains rehabilitation works.
Limerick	Foynes/Shannon Estuary PWS	6986	13/05/2023	Uisce Éireann progressing UV disinfection installation. BWN will remain in place until remedial works are complete, along with compliant verification monitoring.
Limerick	Doon Water Supply	600	31/05/2023	Issued due to inadequate disinfection.
Limerick	Cappamore Foilean Public Water Supply	2321	26/09/2023	Uisce Éireann progressing upgrade of water treatment plant under Disinfection Programme.
Waterford	Graiguenageeha	40	07/01/2022	Notice applies to certain properties with inadequate contact time.
Wicklow	Ballymorris Public Supply	17	18/07/2019	Uisce Éireann are progressing works to rationalise Ballymorris Public Water Supply along with Aughrim Annacurra by connection to Arklow Public Water Supply.

The results of all our drinking water samples are published to the Uisce Éireann website at <https://www.water.ie/help/water-quality/>. Anyone can access the results for their water supply from 2013 to present day using their Eircode.

3. The number of mains replacements that have taken place since 2014, and the spend each year on same.

Mains replacement is carried out by Uisce Éireann as part of its national Leakage Reduction Programme.

This programme is a strategic and targeted approach to improve the water network across the Country, through delivery of a number of leakage reduction work streams, prioritising investment where it is needed most. Mains replacement is just one work stream within the Leakage Reduction Programme to help drive down leakage. Other work streams include

find and fix, pressure management, back yard services and first fix for free, among others. The several workstreams can be considered in more detail on our website [here](#). It is a combination of these several work streams that provide a more reliable water supply, reduce high levels of leakage, improve water quality and create operational efficiencies on the water network.

Uisce Éireann is replacing old and problematic water mains across the country. It takes time and expertise to design and replace water pipes which are underground with other services like gas, sewerage, electricity and telecoms. These works can be disruptive, but we are making progress.

In 2018 the rate of leakage nationally was 46%, by the end of 2022 we have further reduced leakage to 37% nationally. We have invested over €500 million up to the end of 2021 in the National Leakage Reduction Programme, and we are currently investing €250m each year in fixing leaks to provide a more reliable water supply.

Within this investment, Uisce Éireann has replaced or repaired 2,640km of old and damaged pipes on the water network between 2014 and 2022.

4. A progress update on the taking in charge of estates put in place by developers in two estates in Co. Laois: the Limekiln estate in Clogh, and Woodgrove in Portlaoise.

Limekiln Estate, Clogh, Co Laois

The Taking in Charge (TIC) of residential estates is the statutory responsibility of the Planning Authority, under Section 180 of the Planning and Development Act 2000, and not Uisce Éireann (UÉ).

In accordance with existing Government policy guidelines, UÉ is co-operating with the Planning Authorities nationally to assess the taking in charge of residential estates and the transfer of water services assets located in these estates to UÉ for ongoing operation and maintenance. Department Circular PL5/14 of November 2014 and the subsequent Memorandum of Understanding (MoU) between UÉ and Local Authorities (LAs) covers this issue.

These guidelines specifically exclude estates with their own water treatment or wastewater treatment plants provided by the developer(s). This infrastructure is referred to as DPI or Developer Provided Infrastructure and as detailed earlier in this document, DPI is standalone infrastructure which does not connect to the public water and sewerage networks for which UÉ is responsible.

The treatment plant within this estate falls under this categorisation and therefore currently cannot be progressed through the above Taking in Charge process.

There is a Multi-Annual Programme which is being implemented by the Department of Housing Local Government and Heritage (DHLGH) under which Local Authorities submit applications for funding for consideration by the Department. This programme provides funding for the decommissioning of standalone DPI, followed by connection to the UÉ network. The taking in charge of the Limekiln Estate will be considered via this Programme.

Woodgrove Estate, Port Laoise, Co Laois

Our understanding is that this estate is connected to the public network, but no application for taking in charge has been received by Uisce Éireann.

As outlined, under the Taking in Charge process, the LA sends a valid Taking In Charge application to Uisce Éireann for review and following UÉ approval, the LA then brings the estate forward for formal taking in charge. In the circumstances, UÉ advise contacting the Local Authority who are better positioned to provide an update on the status of this TIC application.