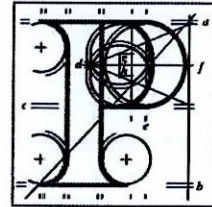


Our Case Number: ABP-317082-23



**An
Bord
Pleanála**

Inland Fisheries Ireland
Cormac Goulding
Fisheries Environmental Officer
Anglesea Street
Clonmel
Co. Tipperary
E91 RD25

Date: 29 June 2023

Re: Proposed flood relief works at Ballyhale and Kiltorcan (townlands)
Co. Kilkenny

Dear Sir,

An Bord Pleanála has received your recent submission in relation to the above-mentioned proposed development and will take it into consideration in its determination of the matter. Inland Fisheries Ireland are a prescribed body and therefore no fee is required. A refund of €50 will be made to the debit/credit card used to make payment.

Please note that the proposed development shall not be carried out unless the Board has approved it or approved it with conditions.

As the Board has also received an application for confirmation of a compulsory purchase order, which relates to this proposed development, the person conducting any oral hearing in relation to the compulsory acquisition of land shall be entitled to hear evidence in relation to the likely effects on the environment of the proposed development and the likely consequences for proper planning and sustainable development in the area in which it is proposed to situate the said development. The Board shall also make a decision on both applications at the same time.

You will be notified of the arrangements for the opening of any oral hearing in due course.

If you have any queries in relation to the matter please contact the undersigned officer of the Board. Please quote the above-mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Sarah Caulfield
Executive Officer
Direct Line: 01-8737287

JA03A

Tel	Tel	(01) 858 8100
Glaao Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902



An
Bord
Pleanála

SID Online Observation

Online Reference
SID-OBS-000920

Online Observation Details

Contact Name
Cormac Goulding

Lodgement Date
23/06/2023 13:04:44

Case Number / Description
317082

Payment Details

Payment Method
Online Payment

Cardholder Name
Cormac Goulding

Payment Amount
€50.00

Fee Refund Requisition

Please Arrange a Refund of Fee of

€

Lodgement No

LDG—

Reason for Refund

Documents Returned to Observer

☐

Yes

☐

No

Request Emailed to Senior Executive Officer for Approval

☐

Yes

☐

No

Signed

EO

Date

Finance Section

Payment Reference

ch_3NM8jHB1CW0EN5FC0SniK1V0

Checked Against Fee Income Online

EO/AA (Accounts Section)

Amount

€

Refund Date

Authorised By (1)

SEO (Finance)

Authorised By (2)

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

Date

Date



Iascach Intíre Éireann
Inland Fisheries Ireland

An Bord Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902

23 June 2023

AN BORD PLEANÁLA

23 JUN 2023

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

An Bord Pleanála Ref. JA10.317082

Description: Proposed flood relief works at Ballyhale and Kiltorcan (townlands).
Application by Kilkenny County Council to An Bord Pleanála under Section 177AE and Section 175 of the Planning and Development Act, 2000 (as amended) to carry out proposed works

Location: Townlands of Ballyhale and Kiltorcan in County Kilkenny

Submitted via <https://online.pleanala.ie/en-ie/sid/observation>

To whom it may concern:

Inland Fisheries Ireland (IFI) is the statutory authority tasked under section 7(1) of the Inland Fisheries Act 2010 (No. 10 of 2010) with responsibility for the protection, management, and conservation of the inland fisheries resource.

The site of the proposed development is located on the Knockwilliam_010 surface water body, a tributary of the Little Arrigle. The Ecological Status of the Knockwilliam_010 is *Moderate*. It is *At Risk* of not reaching its Water Framework Directive (WFD) objectives by 2027. The works area is immediately upstream of the Barrow-Nore SAC, whose qualifying interests include Salmon and Lamprey. These waters also contain populations of Brown Trout and of European Eel, which is listed by the IUCN as a critically endangered species.

In respect of this application IFI wish to make the following observations:

IFI welcomes the commitment within the applicant's proposals to remove / mitigate barriers to fish passage along the length of the proposed works area for the scheme. IFI requests that the mitigation measures identified in the applicant's Natura Impact Statement (NIS) and the Construction Environmental Management Plan (CEMP) are implemented in full. These measures, including monitoring and enforcement, should be a binding condition of any consent granted.

IFI acknowledges the applicant's provision of preliminary method statements in Appendix 5-2 of the document submitted. Before works commence IFI requests that the applicant or the appointed contractor must provide full site-specific Risk Assessment / Method Statements (RAMS) for the proposed instream or riparian works. Method statements should be provided to IFI at least ten working days before works commence. They must describe in detail the method and the duration of the proposed works and mitigation measures. Where dewatering of channels is proposed, these must be electro-fished in advance. The applicant is requested to liaise with IFI on this matter.



Iascach Iníre Éireann
Inland Fisheries Ireland

Furthermore, no instream works should take place during fisheries close period for the protection of fish spawn and juvenile fish. Instream works can only take place during the period 1 July to 30 September and during periods of low flow.

The storage, management and conveyance of materials on site must not permit any deleterious matter to reach adjacent surface water systems either directly or indirectly. There should be no mixing of soiled water from hard surfaces or works areas with uncontaminated water from other sources. Only clean, uncontaminated waters should be discharged to soak-away systems or to surface water. Should invasive species occur on site, appropriate biosecurity measures should be put in place to prevent their spread or transmission to other locations.

Proposed buffer zones should be clearly marked in advance of works commencing to preserve their integrity. Machines should not enter these zones unless absolutely necessary. Temporary drainage associated with construction works should be diverted water away from buffer zones and must not be allowed to discharge directly into aquatic areas.

Any fuels, oils or other hazardous substances on site must be stored in lockable bunded containers. Where temporary diesel or petrol driven pumps are used within the site, they shall be positioned within portable bunded areas. Appropriately sized spill kits for hydrocarbons must be kept on site at all times and staff must be trained in their correct use.

With regard to the proposed landscaping works adjacent to the watercourse, IFI's recommends that the applicant consult with its document *Planning for Watercourses for the Urban Environment*. This document provides guidelines on managing riparian zones to protect watercourses through the use of buffer zones, Sustainable Drainage Systems (SuDS), instream rehabilitation and recreational planning. This document is available at <https://www.fisheriesireland.ie/media/ifi-urban-watercourses-planning-guide>.

Before works commence the applicant or the appointed contractor should appoint a suitably qualified person to monitor and implement environmental mitigation measures. Contact details for this person should be shared with IFI. Records of environmental monitoring should be kept and made available upon request to persons authorised under section 28 of the Local Government (Water Pollution) Act, 1977 (as amended).

Any future correspondence in respect of this application should be sent by email to cormac.goulding@fisheriesireland.ie or by post to the address below.

Yours sincerely,

Cormac Goulding
Fisheries Environmental Officer
South-Eastern River Basin District