

Kilkenny County Council  
c/o Seamus Kavanagh  
County Hall  
John Street  
Kilkenny  
R95 A39T

**Date:** 04 August 2026

**Re:** Flood Relief Works at Graiguenamanagh, Co. Kilkenny & Tinnahinch, Co. Carlow  
Graiguenamanagh, Co. Kilkenny & Tinnahinch, Co. Carlow

Dear Sir / Madam,

I refer to the above-mentioned proposed development which is before the Commission for approval. Please be advised that the Commission, in accordance with section 175(5)(a) of the Planning and Development Act, 2000, as amended, hereby requires you to furnish the following further information in relation to the effects on the environment of the proposed development:

Where in response to this Further Information Request amendments are made to drawings or text of the application the applicant is requested to submit these as a schedule of amendments and clearly annotated drawings as appropriate.

**Site and Development Description.**

- A. The applicant is requested to submit details describing the location and design of the proposed diversion of the river Duiske. Baseline environment, potential significant impacts, mitigation measures and residual impacts across environmental topics shall be addressed at a level of detail commensurate with the sensitivities of the receptor and magnitude of the impact.
- B. The applicant is requested to submit further information on the findings of the investigation into potential historic landfilling and leachate arising on Graiguenamanagh Quay as referenced in its response to submissions. Where the investigation has resulted in amendments to submitted design, proposed works, assessments or mitigation measures, these amendments should be detailed and EIAR/NIS updated as appropriate.
- C. The applicant is requested to submit an update of drawing no. 1425 (or series of drawings as appropriate), identifying the location of each element of works proposed. This update shall include and identify the location, nature and extent of all enabling ancillary and instream works with potential for significant impact on sensitive receptors. The updated drawing(s) shall be cross referenced to a tabulated summary description of each works element, describing key details and mitigation measures as appropriate. Mitigation required for working in proximity to the to the instream sewer should be clearly addressed.

- D. The applicant is requested to submit details of the proposal to re-point/ upgrade the wall to the eastern bank of the Duiske in the area of Turfmarket (ref: C03\_L004\_L drawing 1425) and the individual property protection (IPP) measures indicated on drawing 1419. The applicant is requested to clarify how this aspect of the scheme will function in the context of the various openings to this wall and to describe the circumstances in which the IPP measures will operate.
- E. The applicant is requested to provide further information in relation to the proposed use of vibration monitoring as mitigation for potential impacts on historic structures. Details shall include the unit of measurement, trigger/absolute limit values and actions proposed for various scenarios.

## Ecology/Hydrology

- F. The applicant is requested to submit a comprehensive, Water Framework Directive Article 4.7 Compliance Assessment for the proposed scheme. This assessment should systematically evaluate the baseline receiving environment, the potential for significant direct and indirect effects of the temporary and permanent physical modifications against the non-deterioration objectives for each individual quality element, and present mitigation measures as appropriate. The assessment should explicitly address whether the project risks causing a localized decline in any quality element or create a barrier to the future attainment of Good Status for the waterbody, executing the formal statutory tests of necessity, overriding public interest, and alternative options if such risks cannot be definitively ruled out.
- G. The applicant is requested to submit further information including pre-and post-scheme hydraulic modelling of boundaries and weir analysis for the Duiske River system. Modelling and reporting shall demonstrate that implementation of the scheme does not prevent the formation of passable, submerged hydraulic jump profiles, including at the Uisce Éireann abstraction weir downstream of the flow control. The modelling shall be supported by a detailed description of the methods used, identifying limitations to the modelled scenarios, addressing any scientific uncertainty thereby demonstrating adherence to the precautionary principle. Any uncertainty regarding fish passage to the upstream catchment creates a critical data gap to, identifying the zone of influence, WFD compliance, EIA reasoned conclusion, as well as AA screening and determination. The applicant is requested to include details and commentary on stage-discharge relationships (rating curves), fishway hydraulic-jump depth calculations, expected duration, structural stability of hydraulic jumps during high winter flows, and simulated passability windows for aquatic species generally, and specifically for species of Qualifying Interest of the Special Area of Conservation (SAC). Modelling and reporting shall be prepared by named expert(s) with a description of competence in the field included in the submission.
- H. The applicant is requested to submit further information describing additional characterisation of the existing substrate baseline condition across all reaches within and relevant to determining the Zone of Influence of the Scheme. Descriptions shall contain adequate detail to describe contribution to biodiversity generally and to the conservation objectives of the SAC. The characterisation shall accurately describe habitat classifications used in the reports, with explicit distinction between active salmon spawning gravels, juvenile nursery zones, and the micro-habitats required for other key Qualifying Interests such as lamprey and white-clawed crayfish.
- I. The applicant is requested to submit an evaluation of potential environmental effects of riparian tree removal and the impoundment on the thermal regime of the lower Duiske River. The response shall include details and commentary on baseline shading levels, projected post-construction water temperature profiles along the lower catchment, and a demonstration of how optimal thermal conditions will be maintained to safeguard migrating and resident aquatic species.
- J. The applicant is requested to submit a construction phase risk assessment evaluating potential acoustic and substrate-borne vibrational impacts on resident aquatic species.

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The response shall include details and commentary on the projected zone of physical influence for piling activities, the vulnerability thresholds of resident QI features at various life stages, and a demonstration of how sensitive species and active spawning/incubation periods will be safeguarded from physical disturbance.

- K. The applicant is requested to submit details of how sediment continuity and morphodynamic transformations have been factored into the project design. This shall include consideration of projected sediment transport dynamics, potential rates of upstream gravel trapping, and the spatial extent of any downstream channel bed adjustment or scour. Details shall provide evidence to demonstrate the long-term structural and ecological integrity of the SAC habitats are not significantly impacted by the scheme.
- L. The applicant is requested to submit an integrated engineering and eco-hydraulic evaluation demonstrating the passability and long-term compliance of all proposed structural channels and embankment culverts. The response shall include details and commentary on internal velocity profiles, depth contours, and turbulence characteristics, including volumetric power dissipation rates, across seasonal flow percentiles from Q95 to Q10. This assessment must demonstrate that the internal fluid dynamics and boundary layer characteristics accommodate the varied swimming abilities and physical tolerances, boundary layer preferences, and behavioural movements of slower-moving, benthic, and demersal species, such as Brook, River, and Sea Lamprey adults or ammocoetes, and White-clawed Crayfish confirming specifically that localized velocities and turbulence levels along the structure floor remain low enough to facilitate upstream movement and that continuous lines of natural bed substrate are maintained. Additionally, the submission must clarify how the overall design of the flow control and storage layout ensures continuous biological connectivity for migrating species.
- M. The applicant is requested to submit updated engineering design and detailed layouts for proposed trash and debris screen(s), aligned with international eco-hydraulic design standards (e.g., IFI/ FAO guidelines), ensuring that bar spacing is optimized to prevent the trapping or injury of migratory species. The response shall also outline the maintenance and cleaning protocols necessary to prevent sudden velocity blocks and sudden rises in hydraulic head. Additionally, the response will provide details on the proposed screen configuration and location, clarifying the specific operational parameters that will maintain continuous biological connectivity for all target Qualifying Interest species including during migration periods.
- N. The applicant is requested to review biodiversity enhancement measures set out in section 10.10 of the EIAR and on Drawing No. W3451-AYE-DWG-W-1445 and to submit more substantial measures in this regard reflecting the magnitude and impact of the Scheme. Consideration should be given to the findings and reporting of the Environmental River Enhancement Programme (EREP) in relation to biodiversity enhancement.
- O. The applicant is requested to submit a revised NIS, undertaken in consideration of all Conservation Objectives of the relevant Natura sites addressing therein all relevant issues raised, in submissions received by ACP, in this request for Further Information and in the applicant response thereto. The applicant is requested to give specific consideration of impacts and effects in the event of severance of the upper catchment of the Duiske. Any conclusions reached in this regard should be set out with application of the precautionary principle and supported by reference to relevant scientific evidence.

## Design

- P. The applicant is requested to submit a curtilage map for each protected structure potentially impacted by the scheme along with a summary of direct and indirect potential impacts including on their settings. This exercise should include protected structure D160, the Docks, with specific consideration of the adjacent structures for which demolition is proposed.

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Curtilage mapping and identification of impacts should be prepared by a Grade 1 conservation architect and adhere to the precautionary principle.

- Q. The applicant is requested to demonstrate how allowance has been made in the scheme for future access to the Docks in the event of future recreational or commercial use.
- R. The applicant is requested to submit a summary character statement prepared by a Grade 1 conservation architect for each distinct character area with focus on aspects of the special character on which the scheme could potentially impact. The special character of Turf Market, highlighted by the Department of Housing local government and Heritage, is integral to consideration of alternatives, and is specifically referenced in the ACA section of the LAP. The area of Turf Market and Ladyswell should therefore receive particular attention in the built character statement describing existing baseline and residual effects of the scheme. A reviewed and coordinated version of Table 9-8 and section 9.7 of the EIAR Vol II should accompany the assessment.

### Other Matters

- S. The applicant is requested to submit a conclusion to the climate impact assessment confirming that in so far as practicable, the applicant has performed its functions in a manner consistent with the most recent Climate Action Plan and the Sectoral Adaptation Plan for Flood Risk Management. As part of the climate impact assessment the applicant is requested to submit further details of inputs to the TII carbon tool.
- T. The applicant is requested to submit a copy of *Natural Flood Risk Management Report carried out by Ayesa (W3451-W-R006 date February 2022)*. This report, relevant to consideration of alternatives was not included in the EIAR or in response to submissions. An addendum to this report should be submitted to demonstrate consistency with the current policy context including the Flood Risk Management, Sectoral Adaptation Plan, 2025-2030 and the Biodiversity Climate Change Adaptation Plan 2025.
- U. The applicant is requested to submit a revised set of project specific mitigation measures for EIAR and NIS taking account of section 3.8.4 of the *Guidelines on the Information To be Contained in EIAR EPA 2022*. Proposed mitigation measures should remove all potential lacunae including reliance on deferred, post-consent determinations and speculative mitigation. Mitigation measures should be specific, effective, feasible, enforceable, measurable and verifiable. Non-committal, aspirational and unclear language such as where possible, where practical, as appropriate, as necessary etc. shall be avoided.
- V. Notwithstanding the response to submission received by ACP from the applicant on 20<sup>th</sup> March 2026 and 26<sup>th</sup> May 2026 the applicant is requested to update the EIAR, AA screening, NIS and WFD assessment in accordance with new, augmented or amended considerations arising from this Further Information Request incorporating and addressing relevant issues raised in submissions, including those of the Department of Housing, Local Government and Heritage, the IFI and An Taisce.
- W. Where updated otter and bat surveys requested by the Department give rise to a requirement for a derogation, the applicant is requested to submit details of a granted derogation license. Where updated surveys confirm that a derogation is not required the applicant is requested to submit a clear statement to that effect.

Please also note that following its examination of any information lodged in response to this request for further information, the Commission will then decide whether to invoke its powers under section 175(5)(c)(i) of the Planning and Development Act, 2000, as amended, to require you to publish newspaper notice of the furnishing of any further information and to allow for inspection or purchase of same and the making of further written submissions in relation to same to the Commission.

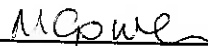
Your response to this letter should be received on or before the 15<sup>th</sup> February 2027.

In this regard, please submit 2 hard copies and one electronic copy of the above information.

If you have any queries in relation to the matter, please contact the undersigned officer of the Commission at [laps@pleanala.ie](mailto:laps@pleanala.ie).

Please quote the above-mentioned An Coimisiún Pleanála reference number in any correspondence or telephone contact with the Commission.

Yours faithfully,

  
Muirín Gowen  
Executive Officer  
Direct Line: 01-8049323

JA08

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