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Sent: Thursday 2 April 2026 15:54

To: LAPS <laps@pleanala.ie>

Cc: SIDS <sids@pleanala.ie>

Subject: ACP-323950-25 Graiguenamnagh Tinnahinch Flood Relief Scheme

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Good afternoon,

Attached are heritage observations/recommendations for the above-mentioned consultation. Please acknowledge receipt.

Regards,

Brian Bone
Executive Officer

An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta
Department of Housing, Local Government and Heritage

Aonad na nIarratas ar Fhorbairt
Development Applications Unit

Oifigí an Rialtais, Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman, Y35 AP90
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**An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreacht**
Department of Housing,
Local Government and Heritage



Your Ref: ACP-323950-25

Our Ref: S177AE Graiguenamnagh Tinnahinch FRS

(Please quote in all related correspondence)

2 April 2026

The Secretary
An Coimisiún Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Via email to: laps@pleanala.ie

Re: Notification under Section 177AE (4) (a) of the Planning and Development Act 2000 as amended (as inserted by Section 5 of the Planning and Development (Amendment) Act 2010.

Re: Section 177AE application by Kilkenny County Council for Graiguenamnagh Tinnahinch Flood Relief Scheme

A chara,

I refer to correspondence received in connection with the above. Outlined below are heritage-related observations/recommendations co-ordinated by the Development Applications Unit under the stated headings.

Nature Conservation

The following observations are made by the Department in its role as a prescribed body under planning legislation and as the authority with overarching responsibility for nature conservation and the nature directives (i.e. the Birds and Habitats Directives) and wider biodiversity.

These observations are intended to assist the planning authority in meeting obligations that may arise in relation to European sites (Natura 2000 sites) in the context of the proposed development. In relation to European sites (Special Areas of Conservation (SAC), Special Protection Areas (SPA)), the Department places particular emphasis in its observations on the level of detail contained in the screening for Appropriate Assessment and Natura Impact Statement. An Appropriate Assessment determination must contain complete, precise and



riparian habitat will be removed within and outside of the SAC, but it is noted that *“Approximately 728 m² of woodland is to be lost in total between the upstream storage area and the Graiguenamanagh town area. The upstream storage area will account for approximately 630m² of lost woodland”*. It needs to be quantified how much vegetation will be lost, so that the mitigation is sufficient to ensure that the project will not adversely affect the integrity of the River Barrow and River Nore SAC in view of its conservation objectives. In addition, a 10 metre riparian buffer on both banks of a waterway is considered to comprise a critical part of the otter habitat², which includes ex-situ habitats outside of the SAC and this should be included in the calculations. Mitigation to address this permanent and temporary (dependent on location) loss of habitat is not proposed within the NIS. There should be no net loss of habitat within the proposed scheme. The Department recommends further information in relation to this.

3. There are a number of flow control structures proposed in the upstream storage area. This will prevent the passage of otters, as is noted in section 10.4 of the NIS that *“Instream works will allow enough space for otters to pass through without having to divert onto land and back onto the watercourse downstream. This is not possible for the flow control structure in the upstream storage are, however, all other instream works will allow free passage of otters”*. Temporary river crossings involving the culverting of the stream is also proposed in Areas 1, 2, 3 and 4. Culverts can also prevent the passage of otters if they are not designed correctly and should include the provision of ledges to allow otters to pass through. Cylindrical culverts may guide otters to cross the temporary crossings, which could result in injury or mortality from passing vehicles. Guidelines for the Crossing of Watercourses during the Construction of National Road Schemes (National Roads Authority, 2005) must be followed to avoid any potential barrier to otter movements up and downstream from the River Barrow and its tributaries. An SSCO for QI otters is *“no significant increase in the number of barriers to connectivity”*. Assessing potentially significant impacts must be addressed in relation to the SSCOs for each QI habitat and species. This has not been sufficiently addressed within the NIS and the Department recommends that further information is requested in relation to this.
4. Given otter are known to be present within the area and are a QI of the River Barrow and River Nore SAC, the Department recommends that all watercourses are re-surveyed 150 metres up and downstream of the proposed development prior to any construction works. This should be undertaken within 3 months prior to any works. Mitigation should also be provided in the eventuality that an otter holt or couch is identified. Any holts/couches

² NPWS (2025) Conservation Objectives: River Barrow and River Nore SAC 002162. Version 2. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.



Nature-based solutions that already exist within the area should be prioritised and expanded where possible and hard infrastructure used only where absolutely necessary.

In addition, the Assessment of likely significant effects determined that “*significant effects to the conservation objectives of Old sessile oak woods through surface & groundwater, air and land pathways are unlikely*”. The justification for this is that the proposed scheme is located approximately 200 metres from the nearest location of this habitat. This is incorrect. From a review of the proposed works locations shown on Drawing No. 1402 and Figure 1-2 in the NIS, the works are adjacent to the QI habitat old sessile oak woods [91A0], as previously mentioned. The Department is concerned that this potentially significant effect has been prematurely ruled out and may result in damage or degradation of a QI habitat. Further information and assessment are required.

Aquatic Species

1. The majority of aquatic surveys were completed in 2021, with some updated surveys completed in 2023, but only for the upstream storage area. Given the extent of the works, including instream works, riverbed excavation, the culverting of streams and river diversions, updated surveys should have been completed within all areas of the proposed scheme.
2. The NIS determined that significant effects on white-clawed crayfish are unlikely, as they were not identified during surveys. Given that the surveys completed are over 5 years old from the main River Barrow channel and there are previous records of the species from the area (as is listed on the conservation objective document for the SAC), the precautionary principle should have been followed. Whilst it is likely that this population has been decimated by crayfish plague, which was identified within the River in 2021 (Triturus, 2021), suitable habitat for this species exists within the boundary of the proposed scheme. The potential for the scheme to prevent the expansion of the species back into the area and affect the conservation status of the species should be considered.
3. Freshwater pearl mussel (FWPM) is a QI of the River Barrow and River Nore SAC, is listed on Annex II and Annex V of the Habitats Directive and is critically endangered on the IUCN Red List due to significant population declines from issues such as siltation, pollution and nutrient enrichment. Whilst evidence of supporting habitats for FWPM was not identified during surveys, eDNA methods detected the species within the River Barrow in the vicinity of Tinnahinch Weir. It has not been determined which population the eDNA is derived from, as two populations of FWPM are present upstream of Graiguenamanagh, i.e. the Mountain River population and the Ballymurphy River



control, particularly when working within an SAC, should be detailed within the NIS. The Department recommends that further information is provided on this.

Killarney Fern

Killarney Fern is a QI species of the River Barrow and River Nore SAC and is listed on the Flora Protection Order (2022). There are known populations of Killarney Fern within Graiguenamanagh/Tinnahinch and downstream of the FRS, as listed on the CO document for the SAC (NPWS, 2025). It is not clear whether specific botanical surveys were undertaken by the applicant for this species, this requires clarification. If surveys have not been carried out, the Department requests that detailed surveys are undertaken by a qualified botanist to determine exact locations and ensure the proposed FRS will not have any direct impacts on the species. Furthermore, the applicant has determined that *“significant effects to the conservation objectives of Killarney fern through surface and groundwater and air and land pathways are unlikely”*. Killarney fern is sensitive to changes in the hydrological regime and any changes to the hydrological conditions near any locations of the species require detailed consideration to ensure no adverse impacts on the species and its environment. Further information is required.

Matters Relating to the Environmental Impact Assessment Report (Biodiversity Chapter)

Bats

1. The Biodiversity Chapter notes that a *“potential”* bat roost was identified in PR2 on Washington’s Lane. Another *“potential”* roost was noted in PR9 with *“sufficient evidence to suggest that bat species (Soprano Pipistrelles) were roosting here”*. The roost exit/entry point could not be observed for either location. Additional surveys should have been carried out to determine if these were indeed confirmed roosts and where the roosts were located using infrared technology. If this cannot be determined, the precautionary principle must be followed. Surveys carried out in 2024 should have followed the updated Bat Conservation Trust Guidance (Collins, 2023); the previous guidance from 2016 is referenced within the Chapter. In addition, the Biodiversity Chapter does not specify whether any works are proposed for these buildings or the distance from proposed works. This must be clarified and expanded upon. There are no measures proposed within the mitigation for the protection of bats from roost loss impacts. Any roosts identified that will be impacted by the works are protected under the provisions of Regulation 51 of the European Communities (Birds and Natural Habitats) Regulations 2011–2021. Damage to such roosts can only occur if a derogation licence under Regulation 54 is obtained. In particular, the judgement of the European Court of Justice Hellfire Massey Judgement



recommends that this is increased to 10 metres for areas outside the SAC and 50 metres for areas within/adjacent to the SAC.

Birds

The Department notes that breeding bird surveys were carried out and 18 kingfisher perches were identified within the proposed scheme boundary. It is not clear whether specific surveys for kingfisher burrows were carried out. Given that kingfishers are so secretive, they and their nest locations can easily be missed. The Department advises that areas that are to be modified (riverbanks) may be ideal nest sites for kingfisher and that a survey for breeding kingfisher must be carried out at appropriate times of the year and suitable mitigation put in place, as required, prior to any bank modification works taking place. In addition, the loss of habitat for this species must be addressed and the potential for the proposed scheme to affect the conservation status of the species.

The Department also recommends that no vegetation removal shall occur within the nesting bird season i.e. March – August. The mitigation measure included for the protection of birds (Bio_59) mentions that a licence would be required from the National Parks and Wildlife Service to permit the destruction of nests. There is no such licence available for construction works and, therefore, the mitigation measures need to account for this and ensure the protection of breeding birds, given the amount of habitat removal proposed.

Landscaping

It is not specified what species is proposed for the planting regime. Any planting that is proposed should occur at an early stage of the construction phase, ideally prior to any vegetation removal. All hedgerow and tree planting stock should be native species of local provenance or, if unavailable, national provenance. Origin and provenance have the meaning given in the UK National Plant Specification.

It is noted that "pollinator meadows will be incorporated into the land at the embankment at Hotel Street in Tinnahinch and the clubhouse in Graiguenamanagh, with the meadow placed on the dry side of the embankment. The Department recommends only native species are planted in these areas. Planting wildflower seed mixes should be avoided as these are not regulated and can be detrimental to biodiversity. Simple changes to grass management practices can be more effective and less costly. Creating ornamental meadows, margins and 'short-cut floral lawns' is considered a gardening or horticultural action. This may help flower visiting insects, but does not hold the same value for the natural environment as creating a natural grassland. Natural grasslands develop over millennia due to specific local site conditions; geology, climate, soil, natural seed bank and past management practices. It is