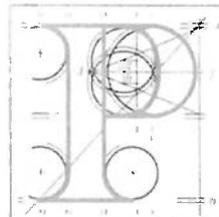


**Our Case Number:** ACP-323950-25



**An  
Coimisiún  
Pleanála**

An Taisce  
5 Foster Place  
Dublin 2  
Ireland  
D02 V0P9

**Date:** 12 February 2026

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

Dear Sir / Madam,

An Coimisiún 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.

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

If you have any queries in relation to the matter please do not hesitate to 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,

Lauren Griffin  
Executive Officer  
Direct Line: 01-8737244

JA02

<b>Tel</b>	<b>Tel</b>	(01) 858 8100
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64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

## Lauren Griffin

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**From:** LAPS  
**Sent:** Thursday, 12 February 2026 10:51  
**To:** Lauren Griffin  
**Subject:** FW: Ref: 323950  
**Attachments:** 20260211-ACP-323950.pdf

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**From:** Sean O'Callaghan <[socallaghan@antaisce.org](mailto:socallaghan@antaisce.org)>  
**Sent:** Wednesday, 11 February 2026 15:39  
**To:** LAPS <[laps@pleanala.ie](mailto:laps@pleanala.ie)>  
**Subject:** Ref: 323950

**Caution:** This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

A Chara,

Please find enclosed An Taisce's submission on planning application ref: 323950

Is mise le meas,

Seán O'Callaghan  
Planning and Environmental Policy Officer  
*An Taisce – The National Trust for Ireland*  
Email: [socallaghan@antaisce.org](mailto:socallaghan@antaisce.org)  
[www.antaisce.org](http://www.antaisce.org)



**An Taisce**

*The National Trust for Ireland*

*5 Foster Place*

*Dublin 2, Ireland*

*D02 V0P9*

**20260211-ACP-323950**

An Coimisiún Pleanála,  
64 Marlborough Street,  
Rotunda,  
Dublin 1,  
D01 V902.

Sent by email to: [laps@pleanala.ie](mailto:laps@pleanala.ie)

10<sup>th</sup> February 2026

**Ref: 323950**

**App: Kilkenny County Council**

**For: Flood Relief Works**

**Site: Graiguenamanagh, Co. Kilkenny & Tinnahinch, Co. Carlow**

A Chara,

An Taisce – The National Trust for Ireland would like to make the following observations on the above proposed flood relief works. We acknowledge the importance of flood relief measures as a critical climate change adaptation tool to protect homes and businesses within local communities in the context of increased frequency and intensity of flooding events.

## **1. Catchment Measures**

While An Taisce recognises the necessity and urgency to prevent any further flooding in the Graiguenamanagh area, we would very much highlight that consideration should also be given to catchment level measures, with a view to establishing flood attenuation within the wider countryside. Traditional approaches to flood management both in Ireland, and elsewhere, have focused on speeding up the flow of flood water through rivers, by widening or deepening the river through dredging, or building up river banks. This approach has proven, in some cases, to help alleviate minor local flooding, but has been widely criticised for its destructive impacts on river ecosystems and water quality. Its effectiveness in flood management has also been questioned.

The UK's Chartered Institute of Water and Environmental Management issued a report in 2014<sup>1</sup> outlining that this approach to flood management has been shown to have *"no beneficial impact on*

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<sup>1</sup> Chartered Institute of Water and Environmental Management. Floods and Dredging – A Reality Check. (2014). [www.ciwem.org](http://www.ciwem.org)

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An Taisce – The National Trust for Ireland | *Protecting Ireland's heritage, safeguarding its future*

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Company Limited by Guarantee no. 12469 | Charity CHY4741 | Charity Regulator no. 20006358 | EU Transparency Register no. 275657497595-21

**Directors:** Terri Morrissey (Chair), Neil Whoriskey (Vice Chair), John Conroy (Treasurer), Laura Segura Gutierrez (Secretary),

Finbarr Murray, Helen Shaw, Tony Holohan

major flood events, and is **likely to increase flooding downstream...dredging can play an important role in flood risk management in some cases, but is not a stand-alone solution. It should be considered in the context of range of tools and the origins of different sources of flood water, and comes with **significant risks that must be understood at a local and catchment scale****".

[An Taisce emphasis added]

The river is very much a product of its catchment, and focusing on a very specific small area of that river is failing to take account of the broader picture. This approach is likely to simply move the water through the Graiguenamanagh area more quickly, and this, while potentially beneficial to the local residents in some instances, will likely impact on residents further downstream by exacerbating flooding in these areas. To take this approach in dealing with the ever increasing flood pressure as a result of climate change is a band-aid approach, doing little to mitigate the underlying cause.

## 2. Habitats Directive

The proposed Flood Relief Scheme is located within the River Barrow and River Nore SAC (site code: 002162), a site of considerable conservation significance due to the occurrence of habitats and species listed on Annexes I and II of the Habitats Directive (92/43/EEC). Particular QI species potentially sensitive to instream flood protection works include the Freshwater Pearl Mussel, White-clawed Crayfish, Sea Lamprey, Brook Lamprey, Twaite Shad, Salmon and Otter.

It should be ensured that the requirements of Article 6(3) of the Directive with regard to the direct, indirect and cumulative impacts of the proposed development are satisfied. In this way, it can be determined whether the proposal is likely to have a significant effect, either individually or in combination with other plans or projects, on the European site in view of the site's conservation objectives.

It is now well established in law that approval can only be granted for plans and projects when it has been established beyond all reasonable scientific doubt that the subject proposal will not adversely impact any Natura 2000 sites.

In **Case C-258/11, Sweetman & Others v An Bord Pleanála & Others**, it was held that the provisions of Articles 6(2)–(4) of the Habitats Directive must be interpreted together "*as a coherent whole in the light of the conservation objectives pursued by the directive*" and that they impose a series of specific obligations necessary to achieve and maintain favourable conservation status. A plan or project will negatively impact upon a site if it prevented the "*lasting preservation of the constitutive characteristics*" of the site for which it was designated, with reference to the site's conservation objectives. Significantly it was determined that "*authorisation for a plan or project ....may therefore be given only on condition that the competent authorities ....are certain that the plan or project will not have lasting adverse effects on the integrity of the site. That is so where **no reasonable scientific doubt remains as to the absence of such effects***" [emphasis added].

The competent authority must therefore refuse authorisation for any plans or projects where there is uncertainty as to whether the plan or project will have adverse effects on the integrity of the site. It was also held in paragraph 44 that:

*"So far as concerns the assessment carried out under Article 6(3) of the Habitats Directive, it should be pointed out that it **cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the***

works proposed on the protected site concerned (see, to this effect, Case C 404/09 Commission v Spain, paragraph 100 and the case-law cited)..." [emphasis added].

In **Kelly v An Bord Pleanála & Others, [2013 No 802 J.R.]** with reference to **Commission v Spain c-404/09**<sup>2</sup>, the High Court held in paragraph 36 that the competent authority must carry out an Appropriate Assessment for a plan or project in light of the best scientific knowledge in the field. It was also held that the competent authority must lay out the rationale and reasoning which was used to arrive at the determination.

The Kelly Judgement has provided a very helpful clarification of the requirements of an AA, and in particular in paragraph 40, a summary of what must be delivered by the process in order to be lawfully conducted:

*"(i) Must identify, in the light of the best scientific knowledge in the field, all aspects of the development project which can, by itself or in combination with other plans or projects, affect the European site in the light of its conservation objectives. This clearly requires both examination and analysis.*

*(ii) Must contain complete, precise and definitive findings and conclusions and may not have lacunae or gaps. The requirement for precise and definitive findings and conclusions appears to require analysis, evaluation and decisions. Further, the reference to findings and conclusions in a scientific context requires both findings following analysis and conclusions following an evaluation each in the light of the best scientific knowledge in the field.*

*(iii) May only include a determination that the proposed development will not adversely affect the integrity of any relevant European site where upon the basis of complete, precise and definitive findings and conclusions made the Board decides that no reasonable scientific doubt remains as to the absence of the identified potential effects."*

This has been corroborated by the summary provided in **Connelly v An Bord Pleanála [2018] IESC 31** which highlighted that the competent authority may only determine that the proposed development will not adversely affect the integrity of the European site concerned once these preceding requirements are satisfied. Furthermore, the decision-maker has a duty to both provide reasons for reaching the relevant conclusion and 'to make complete, precise and specific scientific findings' which justify that conclusion.

### 3. Salmonids & Fish

It should be demonstrated that proposed instream works to facilitate the "hydrodam" and debris screen components in particular will not act as impassable fish barriers to the detriment of resident fish species in the rivers Barrow and Duiske. As noted in the EIAR (Section 10.3.95), IFI feedback "stated that we can assume all fish QIs of the River Barrow and River Nore SAC are present within the areas" which demonstrates the need for rigorous mitigation measures for these species and to ensure the absence of impediment to their migration. A sufficiently qualified fish specialist should be commissioned to determine the potential for barriers to fish migration upstream.

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<sup>2</sup> ECJ ruling for C-404/09 [Commission v Spain] held that: "[a]n assessment made under Article 6(3) of the Habitats Directive cannot be regarded as appropriate if it contains gaps and lacks complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the SPA concerned." [An Taisce emphasis]

Furthermore, it should be ensured that articulated mitigation measures take account of the need to avoid disturbance of potential fish spawning grounds and gravel beds within the river, with ecological surveys needing to be sufficiently rigorous to accurately capture such locations throughout the river prior to commencement of any works. The EIAR (Section 10.3.96) refers to surveys mapping habitats suitable for salmonids and lamprey. Mitigation measure (Bio\_35) states that an Ecological Clerk of Works will assess the river flow, depth and substrate of proposed sites to determine suitability for salmonid spawning. However, it is not stated what alternative measures are to be undertaken should spawning ground suitability be demonstrated, a matter requiring clarification.

#### **4. Otters**

Otters are strictly protected under Annex IV of the Habitats Directive and the Wildlife Acts 1976-2000. The potential for impact upon their habitat and migratory routes due to encroachment upon the river riparian zone and vegetation removal to facilitate hard engineering requires close consideration given the determination in the NIS (p.73) that *"significant effects to the conservation objectives of Otter through surface and groundwater, air or land pathways are likely."* Consequently, an Article 16 derogation process must be initiated, for which the NPWS is the competent authority. This should take into account the potential impacts to otter commuting, foraging and resting grounds along riparian zones due to proposed flood defence walls, culverting and other activity. The sufficiency of otter surveys should be demonstrated as a preliminary matter. Furthermore, the necessity of the upstream flow control structure should be demonstrated given that the applicant acknowledges on p. 89 of the NIS that it is not possible for this structure to accommodate free passage of otters, potentially compromising conservation objectives relating to distribution, extent of terrestrial habitat and couching sites/holts.

#### **5. Bats**

It is noted that Section 3.1.1 of the EIAR acknowledges that the riparian area of the respective rivers offers *"attractive foraging and commuting habitats for several species of bats"*. We would emphasise that bats, as well as their key habitats such as breeding sites and resting places, are strictly protected wherever they occur under Annex IV of the Habitats Directive. Furthermore, they are protected under the Wildlife Acts 1976-2000. Given that the proposal includes mature tree removal, some of which are of probable importance for bat roosting activity, as well as the potential introduction of artificial lighting along parts of the proposed route, it is likely that bat disturbance and displacement may be significant. Consequently, the necessity of proposed culverting requires serious consideration, including within a bat derogation licence process.

#### **6. Kingfisher**

Section 10.4.6 of the EIAR notes that *"the River Duiske and River Barrow provide excellent commuting corridors for Kingfisher"* and Section 10.4.36 refers to 18 Kingfisher perches being recorded. The main mitigation measure appears to be creation of artificial burrows within walls to provide nesting habitat/refuge for the Kingfisher, the sufficiency of which for general protection of the species and continuation/attainment of favourable conservation status requires close consideration.

Kingfisher are listed on Annex I of the Birds Directive, and amber listed on the species of conservation concern compiled by Birdwatch Ireland.<sup>3</sup> Article 5 of the Birds Directive requires that Member States shall take the requisite measures to establish a general system of protection for all species of birds referred to in Article 1, even outside of SPAs which is enshrined in Article 4(4). Of particular relevance here is Article 5(b) which requires the prevention of *'deliberate destruction of, or damage to, their nests and eggs or removal of their nests'* and Article 5(d) *'deliberate disturbance of these birds particularly during the period of breeding and rearing, in so far as disturbance would be significant having regard to the objectives of this Directive.'*

It should be noted that the CJEU has taken a broad interpretation of what constitutes "deliberate" in this context with acceptance of the possibility of capture or killing qualifying as such (see Case C-221/04 *Commission v Spain*, paragraph 70; and Case C-103/00 *Commission v Greece*):

*"70. Where it [the Member State] does not take all the requisite specific measures to prevent the deliberate disturbance of the animal species concerned during its breeding period or the deterioration or destruction of its breeding sites.*

*...  
For the condition as to 'deliberate' action in Article 12(1)(a) of the directive to be met, it must be proven that the author of the act intended the capture or killing of a specimen belonging to a protected animal species or, at the very least, **accepted the possibility of such capture or killing.**"*

[An Taisce emphasis]

This should be closely considered by the planning authority when assessing impact to Annexed species within the project under both the Birds and Habitats Directives.

Furthermore, the potential need for initiating derogation provisions under Article 9 of the Birds Directive should be considered.

## 7. Article 16 Derogation

The granting of a derogation licence can only occur under the stipulation that the population of the species in question remains at a favourable conservation status in their natural range in spite of the derogation. An Article 16 derogation under the Habitats Directive must be interpreted restrictively and the burden of proof that the necessary conditions are met, such as the above stipulation of continued favourable conservation condition for the species, lies with the competent authority which is the NPWS in this case and must be governed by the best scientific data available (*Case C-674/17 Luonnonsuojeluyhdistys Tapiola, EU:C:2019:851, para 30 and the case law referenced*).

The planning authority should also note CJEU judgement C-463/20 *Namur-Est Environnement ASBL v Région Wallonne*<sup>4</sup> which found that public participation via consultation is required with regard to a derogation licence before the completion of the development consent decision process:

*"the adoption of a preliminary decision authorising a developer to derogate from the applicable species protection measures in order to carry out a project...need not necessarily be preceded by*

<sup>3</sup> Red and Amber Lists of Birds of Conservation Concern in Ireland (BoCCI4) 2020-2026. BirdWatch Ireland. <https://birdwatchireland.ie/publications/birds-of-conservation-concern-in-ireland-bocci4-2020-2026/>

<sup>4</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:62020CJ0463>

*public participation, provided that such participation is effectively ensured before the adoption of the decision to be taken by the competent authority for the possible development consent for the project.” [An Taisce emphasis]*

Consequently, this suggests that a derogation licence and associated public consultation is required as part of this Flood Relief Scheme which should satisfy the requirements of Article 16 of the Habitats Directive which specifies the following criteria:

- (a) the species which are subject to the derogations and the reason for the derogation, including the nature of the risk, with, if appropriate, a reference to alternatives rejected and scientific data used;*
- (b) the means, devices or methods authorized for the capture or killing of animal species and the reasons for their use;*
- (c) the circumstances of when and where such derogations are granted;*
- (d) the authority empowered to declare and check that the required conditions obtain and to decide what means, devices or methods may be used, within what limits and by what agencies, and which persons are to carry out the task;*
- (e) the supervisory measures used and the results obtained.*

We would also highlight the recent CJEU judgement (*Hellfire Massey Case C-166/22*) that derogation licences should be applied for and granted before planning consent is considered so that the planning consent reflects the need to comply with Article 12 of the Habitats Directive 92/43/EEC. This should be clarified by the planning authority as a preliminary matter.

## **8. Ecological Surveys**

It is recommended that there is a need to survey the composition of the riparian zone to ensure the absence of important habitat, such as QI alluvial forests [91E0] and/or the need to ensure the project does not compromise the conservation objectives for this habitat. The loss of such habitat would reduce a flood attenuation measure given this ecosystem service provided by such riparian tree cover and vegetation. Consideration should also be given to the benefits of shading for salmonid which may use the riverbed as spawning ground.

We also note that all three species of River Lamprey were observed during the 2006 NPWS survey of the distribution of Lamprey in the River Barrow SAC<sup>5</sup>.

*"In contrast, the site at Well St. Quay, at the back of the main street in Graiguenamanagh, contained at least three age groups including young-of-the-year fish of 10 – 20 mm, a cluster with a modal peak at 50 mm and some larger fish in the 80 – 100 mm size range. A single juvenile sea lamprey was recorded here."*

This displays a mix of age classes which is a positive conservation indicator. The applicant's surveys across all species types should be assessed to determine if a trend of decreased diversity is observable over time, which should be factored into the development consent determination.

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<sup>5</sup> <https://www.npws.ie/sites/default/files/publications/pdf/IWM21.pdf>

## 9. Water Framework Directive

The proposed works are located within the following Water Framework Directive (WFD) (2000/60/EC) designated waterbodies ('Duiske\_020' moderate status and at risk; 'Barrow\_230' poor status and at risk; 'Barrow\_240' moderate status).

The objectives of the WFD are to protect all high status waters, prevent further deterioration of all waters and to restore degraded surface and ground waters to good status by 2027. Specifically, where there is bad or moderate water quality there is the legal imperative to bring that water body up to good status by 2027.

The proposal should be assessed against Article 4 of the WFD to determine whether the project may cause a deterioration of the status of a surface or ground water body or if it may jeopardise the attainment of good surface or ground water status or of good ecological potential and good surface or ground water chemical status.

We bring the attention of the planning authority to the following points of relevant European case law regarding the WFD. In Case C-461/13 (Weser), the CJEU held that:

*"Article 4(1)(a)(i) to (iii) of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy must be interpreted as meaning that the Member States are required*

*— unless a derogation is granted*

*— to refuse authorisation for an individual project where it may cause a deterioration of the status of a body of surface water or where it jeopardises the attainment of good surface water status or of good ecological potential and good surface water chemical status by the date laid down by the directive."*

The Weser case created a jurisdictional requirement and established that authorisation for a project has to be refused where there may be an adverse impact on the objectives of Article 4. To assess the proposal against Article 4, the EPA monitoring data on the water quality status indicators and Environmental Quality Standards must be used. We note that consideration of impacts to the downstream 'Barrow\_240' waterbody appears to be omitted from the applicant's EIAR. Given that this waterbody is immediately downstream of proposed works, it requires integration into a full WFD assessment alongside the directly impacted 'Duiske\_020' and 'Barrow\_230' rivers.

### 9.1 Hydromorphology

We note that the applicant's EIAR refers to significant instream works as part of the proposal to facilitate a "hydrobrake", debris traps and flood defence walls which may have adverse implications for hydromorphology. Proposed culverting may also have implications for hydromorphology, with consequent downstream impacts which could exacerbate flooding potential elsewhere. This would be detrimental to residential receptors in the first instance, as well as ecological receptors such as resident salmonid populations.

Furthermore, Section 8.4.11 of the applicant's EIAR acknowledges that the poor status 'Barrow\_230' river contains hydromorphology as a significant pressure within the sub-catchment. Hence, the proposal will likely add to the cumulative impact to hydromorphology which already exists. Section 8.4.17 identifies that the moderate status 'Duiske\_020' also contains hydromorphology as a pressure, with Section 8.6.19 expanding on this by stating how the proposal *"would result in a change to the hydromorphology of the River Duiske upstream due to the construction of a hydraulic structure, and downstream where new walls will be constructed and a debris trap implemented."*

As recognised by the EPA Catchments Unit, *"Changes to the hydromorphology ranks as the second most significant pressure in surface water bodies... Good hydromorphological conditions are required to create and maintain diverse aquatic habitat for invertebrates, fish and plants, which in turn support healthy aquatic ecosystems and good ecological status"*<sup>6</sup>. We submit that close consideration should be given to these effects when assessing the proposed development, and the potential for small hydromorphological changes to have a large impact on rivers.

The applicant proceeds to discount risks to WFD objectives due to the temporary nature of the impacts:

*"The impact would be to the localised erosion and deposition processes resulting from the reprofiling, with some possible loss of natural river bed features. Whilst such an outcome may temporarily pose a risk to WFD status by impacting on river bed morphology and ecology, medium to long term impacts on WFD status or objectives are very unlikely given the overall current status for both sections of the river is 'Moderate'."*

However, the CJEU has confirmed that for a Member State to conclude that WFD objectives are not jeopardised by a particular project, it must take into account the impacts on water bodies, unless they are *"without lasting consequences"*, have *"by their nature, little effect on the status of the bodies of water concerned"* and are *"therefore incapable of leading to a deterioration of those bodies"*. Any deterioration of the status of a body of water, even if it is temporary, transitory or short-term, must be avoided, given the adverse environmental effects or harm to human health in which it may result, unless the conditions set out in Article 4(6) or Article 4(7) of the WFD are met. (Judgment of 5 May 2022, *Association France Nature Environnement*, C-525/20, EU:C:2022:350, paragraph 31<sup>7</sup>)

Finally, we would observe that in order to bring any given waterbody back to good status, there is a requirement for a Programme of Measures to chart the steps necessary to achieve that goal. As far as An Taisce is aware, there is currently a Programme of Measures for the River Barrow and Duiske, yet no waterbody specific measures appear to be outlined within a Catchment Management Plan to help them achieve good status under the WFD (awaiting publishing/drafting). The absence of these Catchment Management Plans makes it almost impossible for a decision maker to determine what will or will not impact on attainment of the legally required good status under the WFD as the steps which are necessary to achieve that have not been outlined, and as such works such as those proposed here cannot be reasonably assessed against those requirements.

## 10. Upstream Solutions

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<sup>6</sup> <https://www.catchments.ie/significant-pressures-hydromorphology/>

<sup>7</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:62020CJ0525>

It is recommended that consideration is given to upstream nature-based solutions to slow the flow and velocity of water downstream. Legal obligations under the Nature Restoration Law represent an opportunity in this respect to reconnect flood plains, restore wetlands/boglands and to allow for native woodland regeneration/afforestation.

Upstream storage options could be better suited for climate change adaptability and flood attenuation purposes as it would reduce the requirement for hard engineering solutions downstream. The cost effectiveness of this option compared to others should also be considered as capital costs associated with this option may be lower than culverting options. Furthermore, it provides the dual benefit of being a suitable nature-based solution for flood alleviation while reducing the need for costly hard engineering.

In this respect, it is imperative that the planning authority considers flood regulation options from a wider catchment perspective, utilising a catchment-based approach which is open to the flood-mitigation contribution of vegetation in natural floodplains, wetlands, riparian zones etc located further upstream. Such a nature-based flood risk management approach is provided for in the provisions of Article 7(3) of the EU Floods Directive (2007/60/EC):

*"Flood risk management plans shall take into account relevant aspects such as costs and benefits, flood extent and flood conveyance routes and areas which have the potential to retain flood water, such as natural floodplains, the environmental objectives of Article 4 of Directive 2000/60/EC, soil and water management, spatial planning, land use, nature conservation, navigation and port infrastructure.*

...

*Flood risk management plans shall address all aspects of flood risk management focusing on prevention, protection, preparedness, including flood forecasts and early warning systems and taking into account the characteristics of the particular river basin or sub-basin. **Flood risk management plans may also include the promotion of sustainable land use practices, improvement of water retention as well as the controlled flooding of certain areas in the case of a flood event.**"* [An Taisce emphasis]

We would also highlight the concept of Natural Flood Management (NFM)<sup>8</sup> which is identified by scholar as a means to *"utilise or restore 'natural' land cover and channel-floodplain features within catchments, by storing or slowing down flood waters in order to increase time to peak flow and reduce flood peak"*. This should be closely considered when assessing different options, including the benefits of this approach as opposed to solely utilising hard engineering approaches.

Catchment wide measures will inevitably be necessary under future climate scenarios, including allowing certain lands to flood (with attendant compensation for land-owners), as has been demonstrated to be effective in numerous other European countries, such as the Room for the River project in the Netherlands.<sup>9</sup> Implementing water retention areas requires space which could be found on agricultural landholdings. Importantly, these retention areas do not require permanent occupation of the land, as evidenced by the Dutch experience, with incidental use of these areas for particularly large water discharges being commonplace. Large flood reservoirs have proven effective in numerous locations, provided their capacity is large enough. We would reiterate that financial compensation for flooding of landholdings is an integral part of such approaches.

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<sup>8</sup> Gunnell et al. 2019. Evaluating natural infrastructure for flood management within the watersheds of selected global cities. *Science of the Total Environment*. Volume 670. Pages 411-424.

<https://www.sciencedirect.com/science/article/pii/S004896971931201X>

<sup>9</sup> <https://www.stowa.nl/deltafacts/waterveiligheid/waterveiligheidsbeleid-en-regelgeving/room-river>

## 11. Tree Felling Impact

It is noted that 24 individual trees and 7 treelines/hedgerows are to be removed to facilitate the development. We would emphasise the importance of retention of existing mature and emerging trees, hedgerows and scrubland as much as possible to maximise biodiversity value, given the length of time it takes for newly planted vegetation to establish. If removal is unavoidable, which should be the last step on the mitigation hierarchy after all other options have been exhausted due to an accelerating biodiversity crisis, then replacement planting should preferably utilise native species of Irish provenance sourced from local seed. This will maximise microclimate adaptability, genetic resilience and ecosystem service provisioning. Hedgerows Ireland provide native tree and hedgerow planting guidance<sup>10</sup> which should be referenced and whose contents should be considered in planning condition formulation in the event of a grant of development consent. Monitoring at various timescales should also be carried out to ensure the success of planting, and to adapt accordingly if failed plantings have occurred. However, in the first instance retention of existing vegetation and trees should be prioritised.

Please acknowledge our submission and advise us of any decision made.

Is mise le meas,

Seán O'Callaghan  
*Planning and Environmental Policy Officer*  
*An Taisce – The National Trust for Ireland*

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<sup>10</sup> <https://hedgerows.ie/planting/>