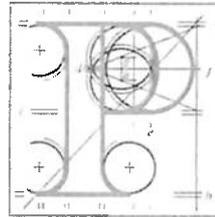


**Our Case Number:** ACP-323950-25



An  
Coimisiún  
Pleanála

Edward Hughes  
Sillare  
Wood Road  
Graignamanagh  
Kilkenny

**Date:** 17 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

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Glao Áitiúil LoCall 1800 275 175  
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Láithreán Gréasáin Website [www.pleanala.ie](http://www.pleanala.ie)  
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Edward Hughes,  
'Sillare',  
Wood Road,  
Graignamanagh,  
Co Kilkenny.

AN COIMISIÚN PLEANÁLA	
LDG- _____	
ACP- _____	
09 FEB 2026	
Fee: € _____	Type: _____
Time: 9:15	By: Post

6<sup>th</sup> February 2026

**Regarding: - Statutory Notice; Plot 22; the 'Kilkenny County Council Compulsory Purchase Order No. 7 of 2025: Graignamanagh Tinnahinch Flood Relief Scheme'.**

Dear Comisiun Pleanala ,

I have received this notice from Kilkenny Co Co (the Council) referred to above and as beneficial owner of the subject plot (no.22 and all its subplots) it has been pointed out to me by the Council that I must state my grounds of objection in writing to you before 11/2/26.

In the time available and having regard the Christmas period just passed and to the extensive array of technical documentation directly and indirectly bearing on the Council's decisions to be considered by you it has just about been possible for me to formulate what I hope will be seen as a limited number of points (of objection) comprising of supplemental works to achieve the optimum Scheme (without adversely affecting the Councils proposals) and as such are 'objections' based on the inadequacy and limited scope of the scheme for the achievement of long term objectives. In a separate section I raise objections to the the proposed permanent land acquisition of some of plot 22 as formulated which if approved by you will not in any way adversely impact on the carrying out of the proposed works and these are set out separately as 'acquisition points' (of objection) below.

Points of objection to the Scheme; environmental and fundamental.

1. Let me say and repeat at the outset of this section lest my position as outlined above be misunderstood, a flood relief scheme for Graig and Tinnahich is too long overdue, it is now essential and urgent and we have seen the impacts of climate change accelerating since a decision in principle to undertake such a scheme, decades ago. Recent flooding events in the East and South east of the country including Graignamanagh have recently demonstrated this. My objection (to adopt the term in the notice) is that the scheme is not sufficiently fit for purpose in the long term, it underestimates the adverse environmental impacts, inadvertently underplays the human and property costs and future risks to victims and in years to come it will have to be revisited unless the measures I suggest below or better are undertaken in tandem with it. I expect others will suggest other measures but, in the time available, the focus of this letter is on measures to increase the flow in the river by eliminating blockages at the banks and in, on and underwater. I emphasise again that proposals need not impact any part of the proposed scheme but should be viewed as augmenting same.
2. I suggest that from reading the detailed papers and the climate data used by the promoters the scheme is inadequate for purpose in the long-term having regard to the interpretation of

that data which with respect has led to overoptimistic predictions regarding climate and weather in the long term which, in any event is largely guesswork. Most people in the country have seen for themselves that climatic impacts particularly rainfall have increased in frequency and in intensity over the past decade and a half impacting the economy in ways not anticipated 20 years ago. Allied to the number of hard surfaces constructed in the past 50 years in the river catchment and the oversaturation of fields and other areas of natural soakage by incessant and heavy rainfalls, the natural environment including rivers is increasingly unable to hold rainwater run off as it did 20 or more years ago such that streams tributaries and river levels increase more frequently, saturation lasts longer and flooding episodes inevitably increase and in intensity as barriers put up to prevent flooding in the past are now shown to be less fit for purpose than previously thought. Therefore, I ask the Comisuin to robustly interrogate the data on which this Scheme is based and the promoters of same because I suggest they or the conclusions they have drawn are conservatively optimistic in terms of the trajectory of the impacts of climate change and in the responses proposed in this Scheme.

3. Graignamanagh has seen increasingly intense flooding episodes in the past decade and a half and I suggest the Council should have prepared a scheme based on the least optimistic of climatic estimates contrary to what seems to have occurred. To better prepare for the worst consequences I suggest a measure which would supplement this short term 'cost effective' scheme and with minimal cost And without any delay to implementing the scheme as proposed, subject to the Comisuin's approval.
4. I would envisage a limited dredging programme of the riverbed could be implemented to improve the river flow passing the town and extended in scope and area, if found to be less effective than expected. Primarily this could be undertaken firstly in the environs of the Semple Bridge on the Kilkenny side and associated with a programme to remove the accumulated vegetation, excess alluvial deposits, obstructive undergrowth and relics of man-made structures embedded in the riverbed of the Barrow and Duiske rivers since the Bridge and the Barrow navigation Scheme was completed over 200 years ago. The removal of such material and dredging could be gradually extended over time since its precise impacts on flooding will be determined by observation primarily. There will be some environmental impacts on aquatic life (temporary) but I suggest that the alleviation of the impacts of the flooding on people and their properties should be given the highest priority having regard to present and future hardships if you are satisfied that the scheme is inadequate. Despite considering the human and property costs in the environmental assessments I suggest not enough has been done by the promoters in the assessment of future risks in that regard.
5. At least one reason the suggestion in par 3 above was not adopted by the promoters appears to me to have been due to the multiplicity of agencies and bodies responsible for the river, each 'fighting their own corner' while being unamenable to compromise and not sufficiently considering the human and property costs which have been endured by certain townspeople for decades. Using what I suggest are overoptimistic climate assessments and predictions the offering in the Scheme is a short term one but achieved the consensus of these bodies for that reason. I also suggest that this is also the reason why the Scheme ensures that private property only is coopted and why land and water over which these bodies and agencies have legal and statutory responsibility, is largely avoided. As such the scheme is a solution which, for such bodies, avoids short term accountability, the need for real and

mature engagement and the taking hard decisions necessary in the long term interests of flood relief in the town. Thus, long term consequences have, like the proverbial can, been kicked down the road notwithstanding that there is almost universal acceptance that the increasingly intensive effects of climate change are unstoppable. The interventions or a neutral statutory body such as the Comisuin could make observations recommendations for implementation which would impel these bodies to cooperate.

6. The Comisiun should look at RTE news footage of the recent flooding in the town and observe the height of the river in flood and ask itself if the proposal in the Scheme will be sufficient on its own to meet future needs.
7. I suggest that the scheme be approved because to leave matters as they could be the worst of all possible outcomes for the town. This scheme is a least worst short term option and I suggest that the Commisuin uses its legal and influential powers to satisfy itself that it is fit for long term purpose and if not direct the promoters to augment the Scheme, as I have suggested or put it to the promoter to augment it in other ways which the promoters could undertake within the scope of their powers without impacting on the timetable for the implementation of this present scheme.

#### Acquisition related points of objection regarding plot 22

1. I object to the term '*open area*' being used by the Council in the description of plot 22 on the Map and otherwise. The property within the field (plot 22) on which the works are to be undertaken is private land albeit with certain access rights which have accrued over the riverbank on the retained land. The property is entirely fenced and boundaries are evident on the ground throughout and there is one locked access gate for vehicular access so the term used by the Council is a misdescription calculated I suggest, to influence the Comisiun towards the proposals of the Council, diminish the status of objections to same and to unnecessarily but adversely impact on legal ownership and property rights as set out below. The Comisuin is offered alternatives below which have no impact on the implementation of the Scheme by the Council BUT with the least impact on the retained land and is urged to accept same.
2. There are 5 sub plots identified, and I propose to address each one individually.
3. **Plot 22.1P** is, as proposed, the intended location of the Berm designed to hold back flood water from adjoining properties and land and I support that endeavour notwithstanding the views expressed above that the effectiveness of the Scheme should be improved.
4. **Plot 22.1.T**. I accept that this temporary way leave area would be necessary for the construction of the Berm on a temporary basis and do not object to its acquisition on a temporary basis to facilitate the Scheme.
5. **Plot 22.1W**. This is a proposal to CPO a permanent way leave. I say that this permanent way leave status is unnecessary to the scheme and I object accordingly. I ask the Comisiun to remove the permanent wayleave and change it to a temporary wayleave and incorporate it into plot 22.1.T. for the duration of the construction of the works only. I say that a permanent way leave located as proposed would be a permanent blot on a title of the retained land and which is not necessary for the scheme. Nor is it convincing that in the limited reference to this aspect of the proposal in the documents has there been any consideration of an alternative or even anticipation of this objection and/or this alternative offer. I have cooperated as and when

requested with the promoter over the past few years in providing access to the plot in the preparations for the scheme unaware that this permanent wayleave was to be an aspect of the proposal until the Notice was served. I say that the property impact of this proposed CPO on this sub plot has not been given any or enough scrutiny by reference to its foreseeable property ownership consequences and impacts on the retained land. Except by implication is the Comisuin to assume from the Councils proposals for Plot 22 that a permanent way leave over plot 22.1W is actually necessary for the implementation or maintenance of the Scheme. I hesitate to anticipate what the Councils response to this objection might be but, on the assumption that it will have its experts rebut my objection, let me offer this suggestion, through your offices, to the promoter. The Council has many statutory powers to effect entry to private land for essential purposes especially for emergencies and where health and safety and/or property is at risk. The Council does not need this permanent way leave in law or in practice and the Scheme does not depend on this occurring having regard to my offer above. I ask the Comisiun to consider that this proposal for a permanent wayleave over plot 22.1W is association with plot 22.2P is an attempt to use the scheme to secure permanent public/council control over the only vehicle access to the retained land and which if the CPO is confirmed will adversely impact ownership rights over that retained land. Councils should, and I suggest are, only permitted to take the minimum of private land essential for the purposes of a Scheme and are not permitted to acquire land, rights and/or control over private land in pursuit of some agenda other than strictly essential for the purposes of a scheme. I suggest the use of the term 'open land' (referred to above) and the acquisition of the full boundary in plot 22.2P, see below, when taken together with the proposed permanent status of plot 22.1W leads one to conclude that the Council is indeed exceeding its powers in this regard and for the achievement of some purpose not materially and essentially related or connected to the Scheme. My suggested amendments to the CPO, taken cumulatively, and which I would ask the Comision to accept, in no way impairs the Councils capacity to deliver the Scheme, providing the same but temporary way leave area for the Scheme for however long that takes (I have no information regarding this period to offer the Comisuin). In terms of future access for Berm maintenance, Councils have sufficient statutory powers to enter private land to investigate and if necessary to repair it; in fact, Kilkenny County council served such a notice on me prior to its carrying out of site and ground investigations works, with machinery, on this area of land on foot of its preparations for this Scheme a few years ago, and without objection from me. No mention or formal record of the councils' intentions to seek a permanent way leave over any part of this land for the scheme was ever mentioned to me, suggesting, that perhaps it is a recent 'initiative' slipped into the scheme for other purposes, and unlawfully.

Regarding **Plot 22.3P and 22.2P** on the CPO map. As I interpret the CPO map, at plot 22.2P the 'arrow' or pointer is directed towards and terminates quite literally on the permanent boundary wall and until I hear to the contrary includes the access gate between the property and the Quay area adjoining the river and if confirmed the Council will take ownership of these permanent walls and the only permanent vehicular gates forming the boundary between my land and the adjoining Quay. I object to such acquisition proposals for plot 22.2 except at the location where plot 22.2P (the wall) is coterminous with plot 22.1P on the CPO map. I object to including any other parts of the boundary for the purposes of this Scheme as unnecessary to same, excessive and quite possibly a misuse of its legal powers including as stated above in pursuit of some other purpose which may be unrelated to the implementation of the Scheme. If approved as proposed

then in conjunction with the CPO of plot 22.2W as a permanent Way leave, defacto the CPO as a whole would constitute a deprivation of control over the affected boundary and over the only vehicle access to the property at present, it would impact unnecessarily on the value of the residual field/asset which as noted earlier the Council considers to be 'open land' but which has been owned by my family for many generations. I would not be interested in negotiating away a permanent wayleave with the rights and controls which would follow but repeat my alternative proposals as set out in this Section of my letter. I suggest that the CPO of this entire plot (22.2P) is unnecessary for the implementation of the Scheme, including for the reasons already set out above. If the CPO is confirmed 'as is', then a perception will undoubtedly arise that the Council owns/controls the access gate which will lead to claims of unrestricted rights of access by third parties 'connected' to the Council, and irrespective of its inclusion in the CPO for a flood relief scheme only. If confirmed 'as is' this proposed measure taken in tandem with the other proposals which I have objected to will remove an important essence and signature of ownership. To the layman, land in public ownership and/or control is defacto considered to be owned by everyone such that the impact of this permanent wayleave at this location is entirely adverse to the ownership of the retained land. Therefore, it is suggested that the take of the entire boundary shown on the CPO map is unnecessary for the Scheme, it ought to be deleted from the CPO, other than where the boundary of plot 22.1P meets plot 22.2P.

Plot **22.3P**. This plot and others just referred to are I suggest the subject of this CPO for a purpose unrelated to the scheme Scheme to achieve and control vehicle access to the retained land, and if confirmed as is, will contribute, with other proposed permanent plots (22.1W and 22.2P), to the effective acquisition of the gate and the boundary wall to the retained land. If my overall proposals are acceptable to the Comisuin I suggest that the Council does not require to acquire it for the Scheme if a temporary wayleave is offered in lieu and approved by the Comisuin. If the Councils CPO proposals were tabled for discussion a year ago (which did not occur) I could have offered my present proposals to the Council and entered into negotiations as it is I am forced to raise this important objection and make a fair and reasonable counteroffer which in no way impinges on the delivery of the works. The acquisition of plot 22.3P as proposed by the Council is therefore objected to since to do otherwise would potentially be used by the Council as an argument to further its proposed acquisition of all of the boundary in the Scheme constituted as plot 22.2P in the CPO and therefore be adverse to my proposal to reduce the permanent way leave area to a temporary one (which, when allied to existing statutory powers of the Council for access to the property, save in emergencies, subject to Notice, enables the Scheme to progress subject to the confirmation of the Comisuin). Notwithstanding what I have stated above I would be prepared to consider withdrawing my objection to the CPO of that part of the Plot 22.3P as far as the point at which it intersects with the easterly boundary of plot 22.1P ie where the marked point/arrow denoting plot 22.2P terminates on the CPO drawing and that the reduced area retained in my ownership and marked on plot 22.3P is converted into a temporary way leave plot for the scheme (to remove any bottleneck for the Council and obviate any doubt regarding access for the works) thus ensuring no impediment to access for the works.

In summary nothing I have suggested as alternative proposals prevents, delays or is adverse to implementing the scheme on 'plot 22' by the Council.

For the obviation of any doubt the acquisition of that part of Plot 22.2P (the boundary wall and gates) which is coterminous with plot 22.1P and thus includes the necessary part of plot 22.2P for the purposes of the Scheme/CPPO, is not objected to, Provided my proposals are accepted in totality by the promoters. The Comisiun is assured that the council will be provided with temporary access over the 'yellow' area on the CPO map (and more if found necessary on a temporary basis) should the Council need it at construction phase and or to maintain and/or inspect the Berm in the future conscious of the Councils legal powers to serve a Notice to achieve the latter outcome, in case of default.

I suggest to the Comisiun that it amends the Councils proposals to accord with these objections and that any argument the Council advances against these objections and proposals be rejected. I suggest the Comisiun adopt my suggested amendments to the proposed CPO at plot 22 as a whole and as outlined above as, from the Councils perspective, a workable, suitable, fair and pragmatic offer is being made in the interests of achieving the Scheme. I suggest that these alternative proposals allied with the use of statutory but temporary term access for maintenance and inspection are in accordance with the proper and lawful use of its CPO powers by the Council and will achieve precisely what the Council requires both for the carrying out of the scheme works And access for its future maintenance (if indeed it is ever required) and the Scheme as a whole will not be adversely affected BUT the proposals will have the least impact on ownership rights over the retained land.

I consider the impacts of the proposed CPO on the retained land and my alternate proposals to be clear and evident as outlined above and may be validated by a visual inspection of the property. I reserve my right to offer evidence should the Comisiun consider that an oral hearing is necessary.

Thank you for your consideration and opportunity to offer these proposals.

Yours faithfully,



Edward Hughes

To An Comisuin Pleanala, 64 Marlborough Street, Dublin 1.