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3 Consultations

3.1 Introduction

This chapter outlines the consultation activities undertaken in advance of the lodgement of the planning application for the Proposed Project. It also summarises the main issues identified during this process and identifies the main modifications to the Proposed Project arising from the consultation process.

3.2 Consultation Events

It is noted that due to government Covid-19 restrictions much of the consultation has taken place via online methods supplemented by on-site discussions with landowners and other interested parties. Communication with stakeholders, local residents, businesses, landowners and other interested parties is summarised below;

- Initial Consultation 11th May 2020 to 11th June 2020 – An online information gathering event was undertaken to gather information from local residents, business and landowners on their views and knowledge of the community. All event material was available on Consult.Kilkenny.ie
- EIAR Scoping September 2020 – Various stakeholders were invited to response on any potential environmental consequences they may perceive from the construction and / or operation of the initial scheme.
- Public Consultation No 2. Emerging Preferred Scheme - 30th July 2021 to 30th August 2021 – A online consultation event was undertaken via Consult.Kilkenny.ie with the preferred emerging scheme on display to gather comments from the local community. A letter / leaflet drop took place across Ballyhale to alert residents of the consultation event.
- Online Consultation Event - 19th August 2021 –As part of Public Consultation No 2, An online presentation event was held with a Q&A session where attendees were encouraged to comment on or ask questions on the material for the presentation or the scheme as a whole.
- Property Impact Consultation – June 2022 – A letter / leaflet drop took place to alert landowners to the impacts on their land by the proposed scheme. This was followed up by in person meetings where possible to encourage landowners to raise any concerns regarding land impacts.
- Additional Non-Statutory Consultation – Information on the emerging scheme was provided to Kilkenny County Council Departments (including Water Services and Heritage departments). Additional Consultation was

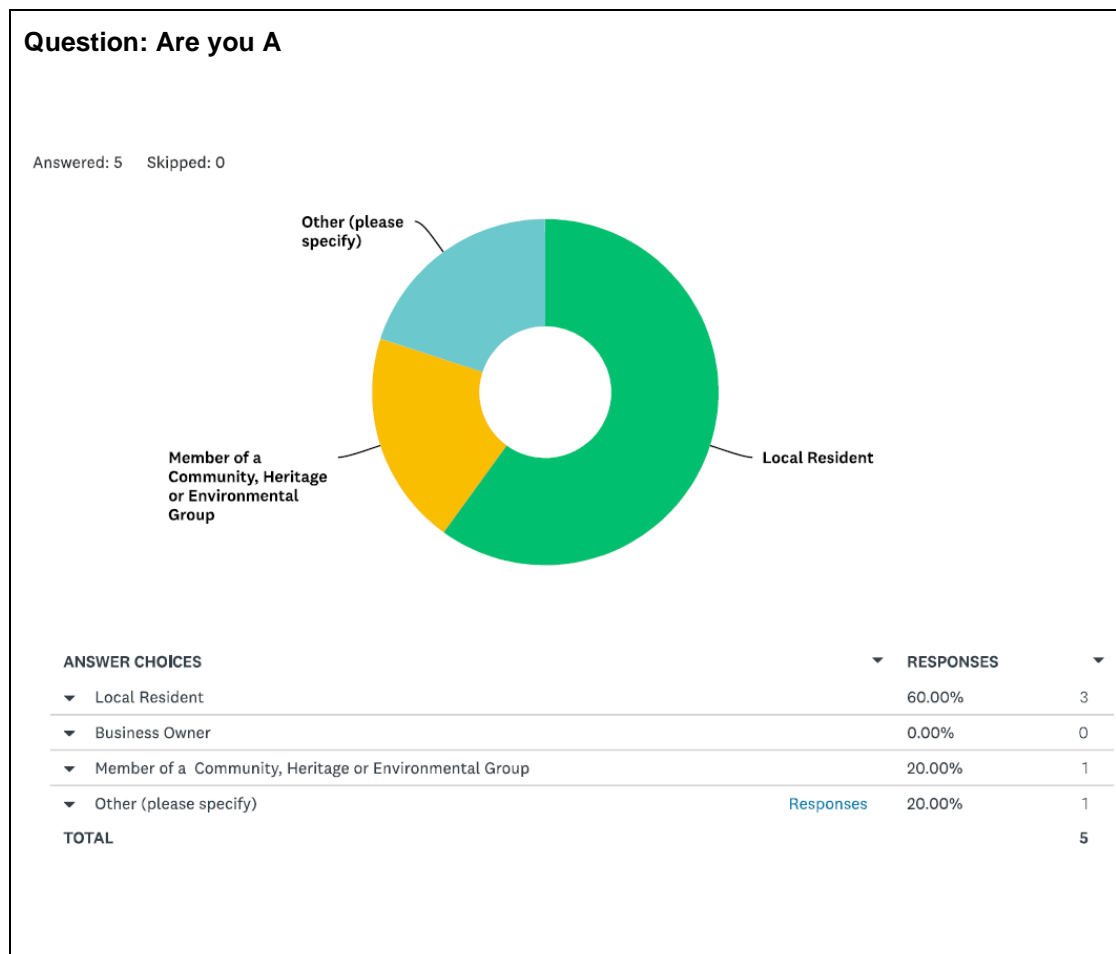
also carried out with NWPS and Inland Fisheries Ireland to present the updated Emerging preferred scheme which had been updated from information provided with the Scoping Report

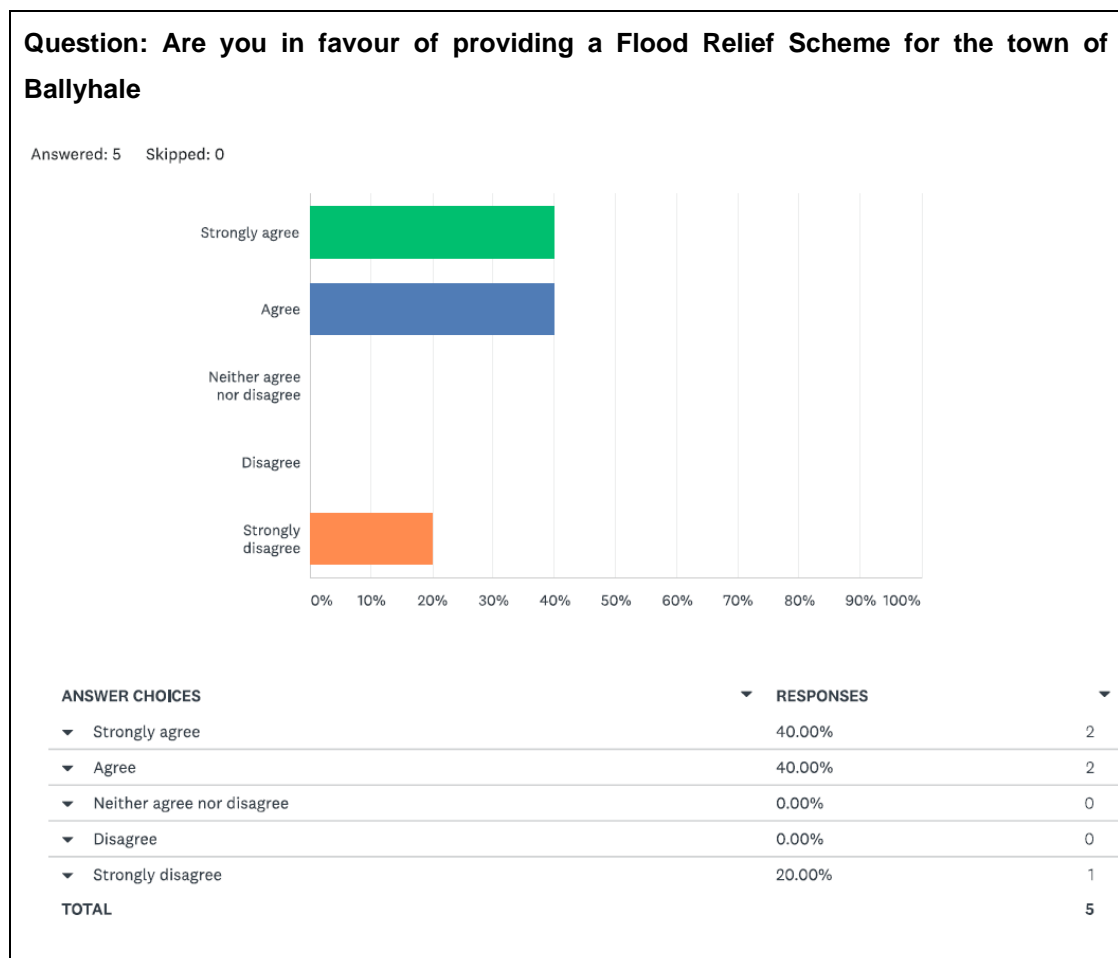
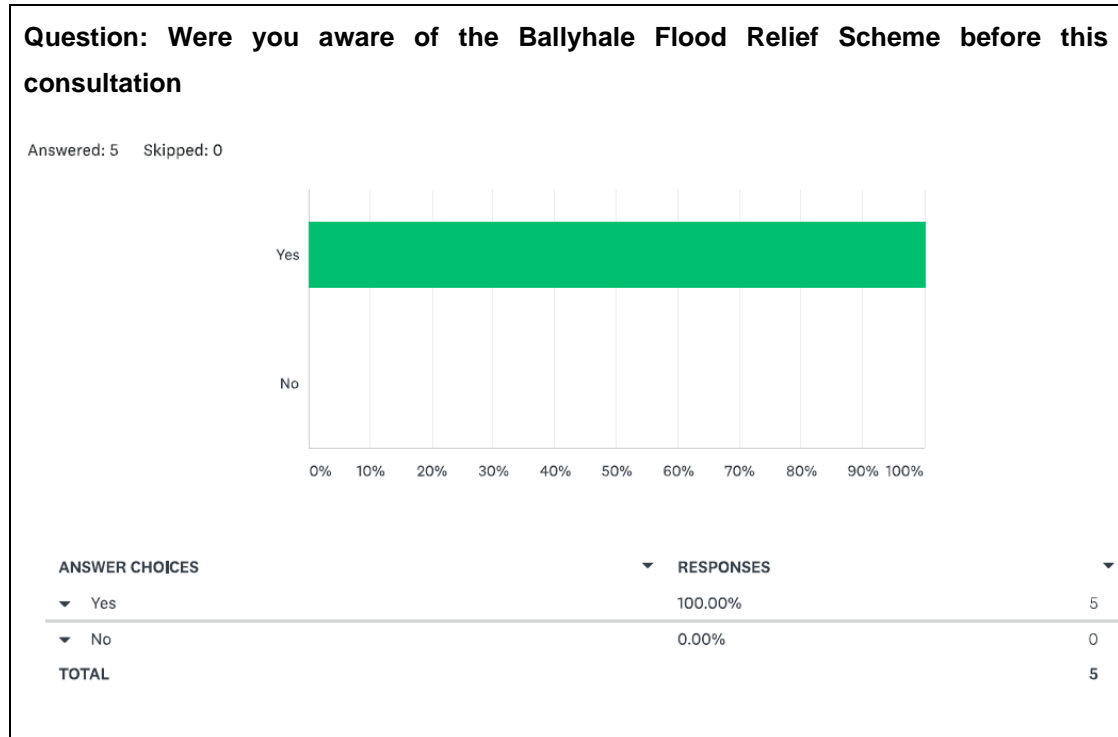
These events were undertaken to alert concerned parties to the scheme and to engage with stakeholders, local residents, businesses, landowners and other interested parties. Information gathered at these events was fed into the design process of the flood scheme and helped to mould the flood scheme.

3.3 Initial Consultation

11th May 2020 to 11th June 2020

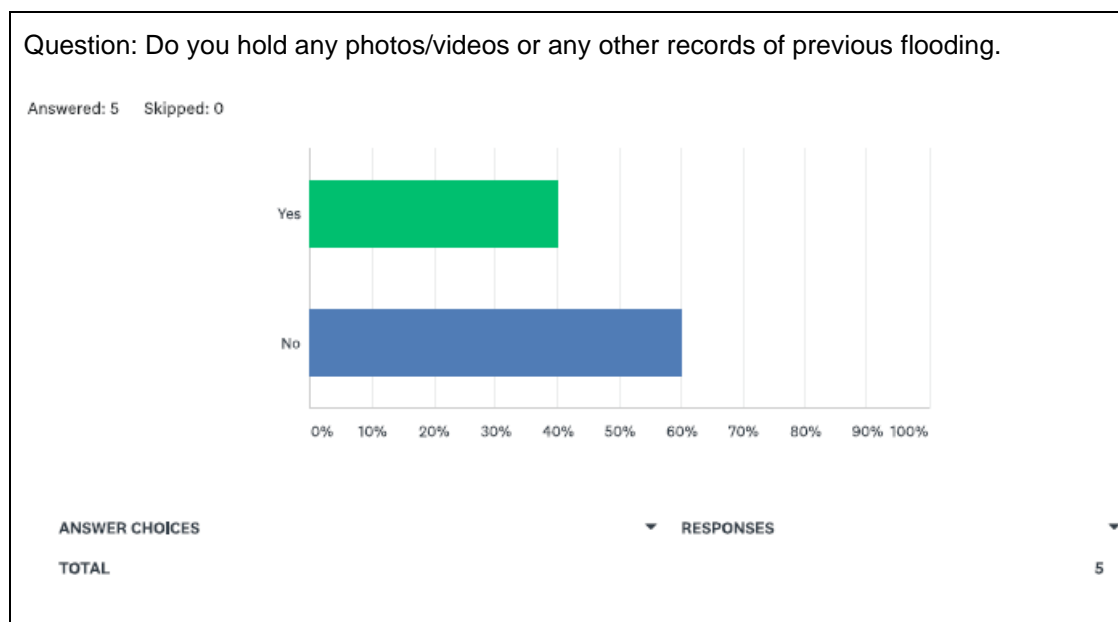
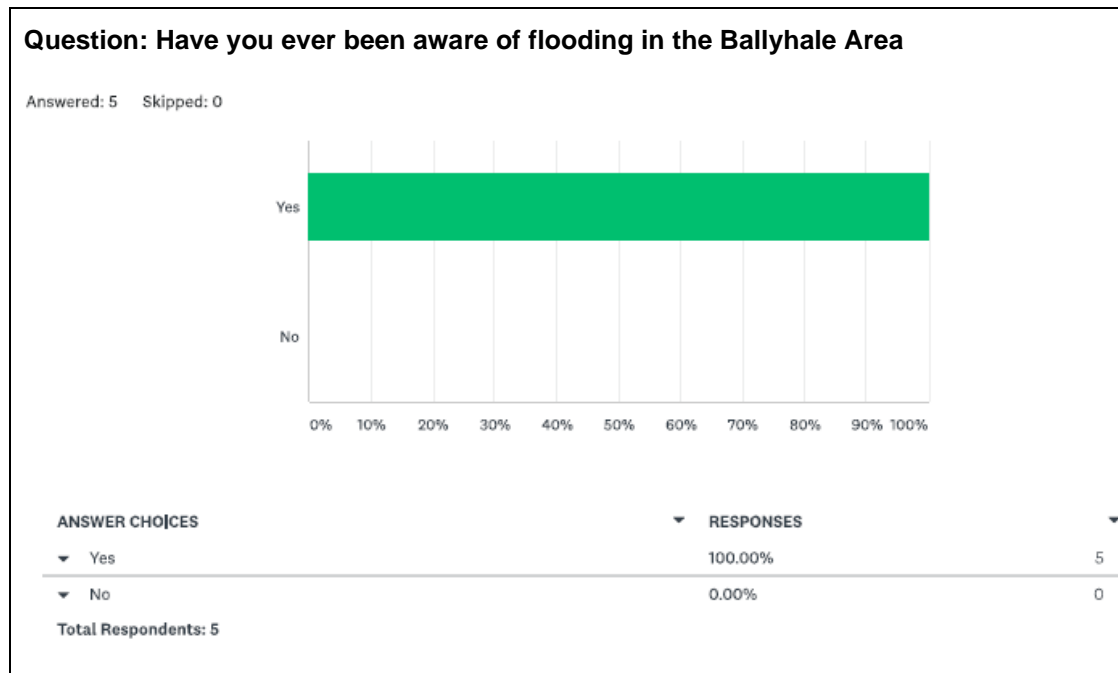
An initial consultation was undertaken via Consult.Kilkenny.ie. The purpose of this event was to alert the various local residents, business and landowners to the scheme and to gather the knowledge of the local community and others who may have an interest in the plans. A total of 5 responses were gathered via an online survey which are listed below.





<p>Question: Is there any aspect you would like to see incorporated into the flood relief scheme (e.g. walking routes, artwork, interpretive noticeboards)</p>	<ul style="list-style-type: none">• Interpretation of wetland and river environment, with information on fish, birds, plants, insects, mammals etc., places along a greenway.• Yes, Noticeboards would be beneficial to show local information and display places of interest / historical photographs to visitors.• We would like to see something done to clean up river opposite the church, as it is full of weeds and grass, and is an eye sore.
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<p>Question: Are you aware of any particular Environmental Constraints or aspects of interest in the Study Area (e.g. Important trees, Heritage Sites, plants or animal habitat). Please describe where applicable</p>	<ul style="list-style-type: none">• Not that I am aware of. The only problem is the Fisheries Board and when can be done.• No, however we would consider the Church walls and graveyard to be of historical importance and should be maintained in current condition.• Have seen Grey wagtail and Little egret using the river. Need to ensure that if there's any Himalayan balsam present that it's not allowed to spread.• reference to the Kilkenny local area plan habitat assessments 2010 Ballyhale by Mary Tubridy & Associates Mieke Muylaert & Associates
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<p>Question: How do you think flooding in Ballyhale should be addressed</p>	<ul style="list-style-type: none"> • Maintenance of the little Arrigle and bridges • Soft engineering further upstream, allowing the flood plains to flood, creating meanders and wet meadows, planting deciduous trees on hillsides and vegetation along the streams to stabilise banks. All this works to slow
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	<p>the flow of water moving from the hills down into the village. Maybe creating holding ponds upstream.</p> <ul style="list-style-type: none">• Remedial Works to clear Riverbed, without changing the existing structure. Study should look at the 4 new bridges and the impact of they have made on the river. Overhead works / developments over the years has resulted in materials falling into the River that were never cleared out of the Riverbed.• Could the bed of the river be lowered?• In 1947 when we had severe flooding a relief channel was cut out at the back of the church but this is not properly being used as the water is not diverted down this way. There is a second eye required at the end of the village also and on the station road to take the flood when it comes. We have submitted the plans for this already.
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<p>Question: Do you have any particular concerns or comments about the scheme</p>	<ul style="list-style-type: none">• If you come and talk to the people, not like the OPW who tried to put it through the GAA grounds and divert it against a hill, it would be very helpful. It has went on now for 29 years, hopefully it wont take as long more.• Our concern is for the general area of the village to be undisturbed. We want to retain the existing surrounds, including the local amenities like the hurling pitch. Previous submissions have been made over the last 20 years and we now want action on those. In particular, in 2018 drawings were
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	<p>submitted by Martin Holden to the Council for review and consideration. The clean out of the Riverbed would be most beneficial.</p> <ul style="list-style-type: none">• Do not want to see hard engineering with high concrete walls destroying the character of the river. Soft engineering upstream would be good to see, with possible compensation to farmers who allow their fields to flood.• While I agree with the concept of flooding relief systems within the village I am concerned that flooding within my site may be intensified if another event should materialize.
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A submission was made also directly to Kilkenny County Council on how to alleviate the flooding within Ballyhale. The Proposal is shown below.

Proposal;

To alleviate the situation of flooding in Ballyhale Village, we have come up with a proposal re additional works to be incorporated to reduce the risk of future flood problems. Our proposal is to provide two no. culverts at positions shown on the attached site plan. This will provide additional escape route for floodwaters in times of flooding. The problem to date was when water levels rose, the floodwater were restricted by the existing bridges over the public road and also the curvature of the stream. For this reason, we have come up with a simple solution to this problem and we would hope that this would be implemented.

Sizes

Precast Culverts are available in sizes and we would propose a 2100mm x 750mm culvert in both sections.

(a) Culvert on main street.

The existing bridge has two inlets on the mouth side of the stream. The larger one has an area of 1.43 m² and the smaller one has an area of 1.28 m², both totaling 2.71 m². The proposed culvert would have an area of 1.575 m², almost 60% additional capacity. We would propose that this be located as shown, with the inlet level of 150mm over the stream bed, to maintain the flow of the river as existing during normal operation. Due to the curvature of the stream bed, the stream hits the bridges at right angles, thus seriously reducing the flow during peak flood events.

(b) Culvert on side road.

The existing bridge has two inlets on the mouth side of the stream. Both have a surface area of 2.1m² totaling 4.2 m². The proposed culvert would have an area of 1.575 m², almost 40% additional capacity. We would propose that this be located as shown, with the inlet level of 150mm over the stream bed, to maintain the flow of the river as existing during normal operation. Due to the curvature of the stream bed, the stream hits the bridge at right angles, thus seriously reducing the flow during peak flood events.

Design

Units can be manufactured to almost any size and the design should be based on peak flows. It is generally recommended that the culverts should be installed on a 200 thick granular bedding as specified in the requirements of BS5400 and BD3 1/87. It may be required to alter slightly the existing road level but this will have to be verified prior to installation. In addition, it would be prudent at this stage to increase the proposed culvert capacity to cater for future additional rainfalls that may occur.

Figure 3-1: Letter to KCC

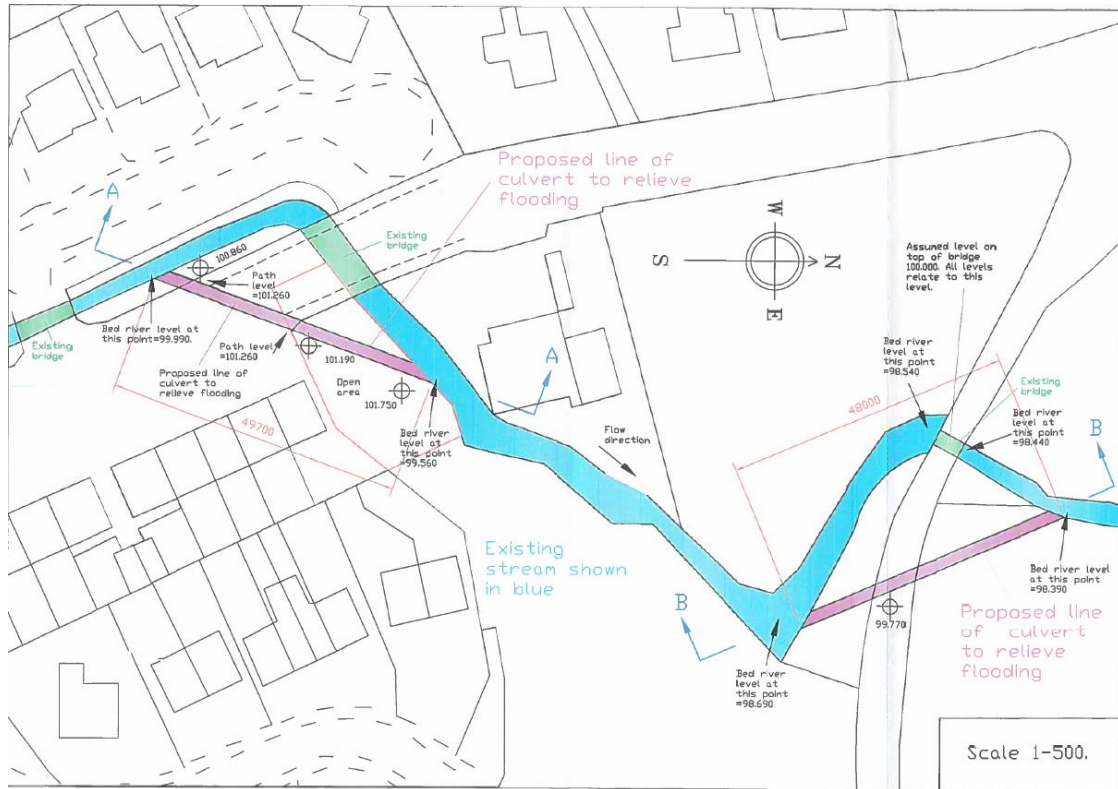


Figure 3-2: Public Submission Plan Drawing

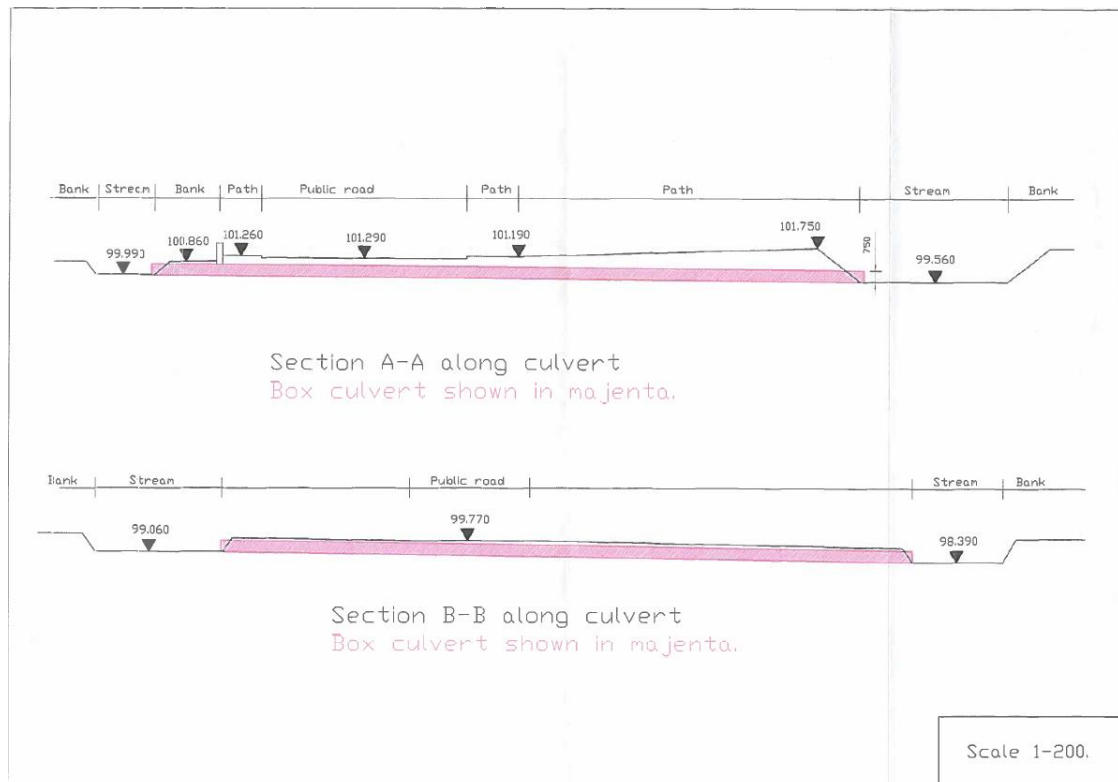


Figure 3-3: Public Submission Long Section

3.4 EIAR Scoping

According to the EPA's Guidelines on the Information to be Contained in Environmental Impact Assessment Reports (2022), 'scoping' is a process of deciding what information should be contained in an EIAR and what methods should be used to gather and assess that information. A key part of this process is to enable consultees to comment/input to the final scope and content of the EIAR.

DBFL prepared an Informal Scoping report detailing the flooding background and the initial scheme design concepts to enable scoping of the proposed EIAR. This report was issued to various organisations which were invited to provide responses on any potential environmental consequences they may have perceived would result from the construction and /or operation of the scheme. The following organisations were invited to make responses;

- An Chomhairle Ealaíon
- An Taisce
- Birdwatch Ireland
- Bord Failte Eireann
- Bord Na Móna
- Chambers of Commerce
- Coillte
- Córas Iompair Éireann
- Department of Agriculture, Food and the Marine
- Department of Communications, Climate Action & Environment
- Department of Culture, Heritage and the Gaeltacht
- Department of the Housing, Planning & Local Government
- Department of Transport, Tourism and Sport
- Eastern & Midlands Climate Action Regional Office
- Environmental Protection Agency
- ESB Networks
- Forest Service
- Gas Networks Ireland

- Geological Survey Ireland
- Health & Safety Authority
- Heritage Council
- Inland Fisheries Ireland
- Irish Creamery Milk Suppliers Association (ICMSA)
- Irish Environmental Network
- Irish Farmers Association
- Irish Water
- Landscape Alliance Ireland
- Local Authority Waters Programme
- Marine Institute
- National Monuments Service
- National Parks & Wildlife Services
- National Transport Authority
- River Trust
- Southern Regional Assemblies
- Sustainable Water Network Ireland (SWAN)
- Teagasc
- The Irish Meteorological Service
- The National Water Forum (An Forám Uisce)
- Virgin Media Ireland
- Waterways Ireland

Responses were received from the following;

- Department of Agriculture, Food and the Marine
- Department of Culture, Heritage and the Gaeltacht DAU
- ESB
- Geological Survey Ireland

- Irish Farmer Association
- Inland Fisheries Ireland
- Met Eireann
- Southern Regional Assembly

The responses which were received are summarized below;

Responder	Response
Department of Agriculture, Food and the Marine	<p>Commented on the use of afforestation to reduce runoff in the catchment.</p> <p>Commented on the requirement for a Felling Licences for the removal of trees.</p>
Department of Culture, Heritage and the Gaeltacht DAU	<p>Commented on matters to relating to Nature Conservation, EIAR, (Bat Species, Licencing Requirements, Flood Bypass Channel, Protection of Hedgerows and Consideration of alternatives), Appropriate Assessment, Scheme Design (Natural Water Retention Measures, Removal of Barriers to Migration) and Underwater Archaeology</p>
ESB	<p>Stated they should review the final proposed flood relief option and works to see if it impacts any assets of ESB.</p>
Geological Survey Ireland	<p>Commented on matters relating to Geoheritage, Groundwater, Geohazards, Natural Resources (Minerals/Aggregates) and Other Comments.</p>
Irish Farmer Association	<ol style="list-style-type: none"> 1. IFA is not opposed to the proposed Ballyhale Flood Relief Scheme and acknowledge its importance to the wider Ballyhale Community 2. Any landowner affected needs to be consulted with in detail from the outset.

	<p>3. Landowners affected by this project will have to be adequately compensated for any works carried out.</p> <p>4. A plan/procedure must be in place if the proposed works affects the landowners lands going forward. i.e. any new potential flooding of lands due to proposed works</p> <p>5. Finally, that IFA Kilkenny is kept informed of how the project is progressing.</p>
<p>Inland Fisheries Ireland</p>	<p>DBFL held a meeting with Inland Fisheries Ireland on the Ballyhale Flood Relief scheme at which Inland Fisheries Ireland confirmed to have carried out walkover of the river and site. It was noted that the river itself is in a poor condition and of limited fisheries value. Discussions where held on the various Options and IFI confirmed that they would issue a consultee response letter.</p> <p>The letter noted the following:</p> <p>IFI Commented on the specifics of the Little Arrigle and Ballyhale Rivers, both of which are important SAC tributaries of the Nore SAC.</p> <p>It gave brief comments on the options and concerns IFI had with each and stated IFI's preference is that the River be maintained/returned to an open channel and we are not in favour of overflow channels.</p>
<p>Met Eireann</p>	<p>As part of the planning process under various Planning and Development Acts and Regulations, the current regulations are the Planning and Development Regulations 2001 - 2019 12 November 2019, there is a legal requirement for Prescribed Authorities to be</p>

	<p>consulted about a flood relief scheme at various stages.</p> <p>From our investigation it appears that Met Éireann is not a prescribed authority under these acts and regulations, therefore no consultation is required.</p> <p>Therefore, we are not in a position to provide you with a response on any potential environmental consequences you perceive may result from the construction and /or operation of the scheme so that these can be considered where possible in the development of the EIAR.</p>
Southern Regional Assembly	Acknowledged receipt of the Scoping Report but made no comment.

3.5 Public Consultation No 2. Emerging Preferred Scheme

30th July 2021 to 30th August 2021

- A public consultation period was undertaken via Consult.Kilkenny.ie to update the various local residents, business and landowners to the progression of the scheme and get input on the emerging preferred scheme. A brochure was prepared showing the scheme progression with the emerging preferred scheme on display to gather comments from the local community. A letter / leaflet drop took place across Ballyhale to alert residents of the consultation event.

Your Opportunity to Shape the Scheme!

Kilkenny County Council have appointed DBFL Consulting Engineers to develop a sustainable flood relief scheme for Ballyhale. The scheme is funded by the Office of Public Works (OPW). The objective of this project is the identification, design and construction of a Flood Relief Scheme, that is technically, socially, environmentally and economically acceptable, to alleviate the risk of flooding to the Community of Ballyhale.

The scheme has been progressed to the point where an emerging preferred option has been prepared. The Design Team are keen to incorporate the views and local knowledge of the local community and others who may also have an interest in the plans.

Scheme Documents

The full set of documents for the emerging options can be found at Kilkenny County Councils Consultation Portal:

<https://consult.kilkenny.ie/>

Submissions can also be made via this consultation portal until 30/08/2021



Please lodge any comments or queries you have through the Kilkenny Consultation Portal or via the contact details provided below.

If you wish to book a follow up consultation with a member of the project team to chat through your thoughts and to allow us to answer any questions you may have please request this by contacting us at the email below.

Due to COVID-19 restrictions, we can't hold a public consultation event but the design team will hold a short online presentation outlining the scheme and will hold a Q&A session. Details can be found on the Consultation Portal

Queries

Comments or queries on the scheme can also be sent to Kilkenny County Council:

**Post to: Flood Relief Capital Office,
The Lodge, County Hall, Kilkenny.**

Email to: declan.fitzpatrick@dbfl.ie



Figure 3-4: Extract from Letter Drop

Table 3-1: Responses Received Public Consultation No. 2

Ref	Submission	Response
#1	Has concerns that no works are being done to the main street bridge and views this as a key issue which needs to be resolved.	The issue of the Main Street Bridge / Hazelbrook bend was brought up several times across the various public consultation events and onsite meetings. This is addressed in Chapter 5
#2	Noted that works carried out in front of the house to alleviate flooding has done nothing to stop the issue.	The Issue is a local roads drainage issue rather than fluvial flooding but the Design Team contacted the landowner and forwarded on his correspondence to the KCC local area engineer
#3	Requests to speak to a member of the project team on the proposals published online.	The Design Team has contacted the landowner and discussed the scheme and how it affected his property. Further engagement will be carried out as the scheme progresses
#4	Agreed with option 1 as best option however had reservations about requirement for piped element. Noted that some residents did not have capability to join the online events. Has concerns over the depth of water remaining in the old channel for Health and Safety.	The Design Team responded that the design of the old channel will have full regard for safety concerns and only very low water depths are expected.
#5	Notes flooding of Station Road in Late October 2000 which affected their property. Has concerns that no works are being done to the main street bridge and sections of river surrounding Pendergast Tyres and views this area as the key area to resolve the flooding issues. Recommends a bypass from the Hazelbrook Estate through Pendergast Tyres to avoid a series of bends within the stream and a culvert to collect water from Kiltorcan	The issue of the Main Street Bridge / Hazelbrook bend was brought up several times across the various public consultation events and onsite meetings. This is addressed in Chapter 5

	which flows down the main street and bypass Ballyhale.	
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3.6 Preferred Emerging Option Presentation

19th August 2021

As part of the public consultation period an online presentation event was held with a Q&A session where attendees were encouraged to comment on or ask questions on the material for the presentation or the scheme as a whole. The presentation covered the current stage of the scheme with the preferred emerging option and details of the additional options developed as part of the scheme. Feedback from the event seemed positive with attendees mostly concerned with the dates for onsite construction of the project.

Table 3-2: Queries at Option Presentation

Ref	Question	Response
#1	Queried the timeframe for the project to reach construction.	Design Team provided information on the statutory processes for the scheme and gave a rough outline of the programme.
#2	Queried the capacity of the structures on the watercourse and their ability to take the flow once the flood defence measures have been put in place.	Design Team gave information on the various structures within Ballyhale and how they are affected pre-flood defence and how they will be affected post-flood defence.
#3	Queried the overall construction Period	Design Team provided information on the time periods seen generally for projects of this size and nature. They also note they requirement for certain elements of the scheme to be carried out during certain time periods to comply with environmental regulations which may affect timelines.

3.7 Property Impact Consultation

Following the selection of the preferred option the scheme design was progressed to planning stage level of detail.

In order to provide opportunity for affected landowners to influence the scheme design prior to planning lodgement, each directly affected landowner was provided either directly or by post with a bespoke information pack detailing the impacts on their land by the proposed scheme. The pack included scheme drawings and a preliminary Property Impact Assessment to enable landowners to determine the effect of the scheme on their property.

This was followed up by in person meetings where possible to encourage landowners to raise any concerns regarding land impacts. A member of KCC called to each property owner where possible to engage in discussions and allow for feedback or concerns to be captured and reflected in the scheme design.

Preliminary Property Impact Assessment				No. on Map Deposited at the Offices of the Local Authority	1
Reputed Owner					
Area:	Permanent Acquisition	Wayleave Acquisition	Right of Way Acquisition	Temporary Working Area	
Existing Roadway					
Existing Stream					
Other Area		0.045 ha		0.052 ha	
Description of Lands Affected					
Agricultural Land					
Description of Works On the Lands					
<p>Embankment - A section of embankment is proposed within the field along the edge of the stream (opposite the school). The embankment will be typically less than 1m high. The embankment will be formed with fill material and will be finished with a topsoil layer which is seeded. Side Slopes will be 2:1. Since the line of the embankment is at the existing gate position an Access Ramp will be formed at the gate to allow for easy access/egress into the field.</p> <p>Temporary Work – A temporary land take is proposed beyond the footprint of the works to give space for construction. During the construction phase fencing/hoarding would be put in place to separate the works area from the remainder of the landholding. Once the works are completed the temporary fencing would be removed and lands would be reinstated.</p>					
Residual Impact of Works					
Permanent Acquisition					
Boundaries		<ul style="list-style-type: none"> Removal and replacement of existing boundary fence and gate to raised levels on Embankment 			
Levels		<ul style="list-style-type: none"> Embankment Works will raise levels within the embankment footprint to stop flood waters 			
Rights / Restrictions		<ul style="list-style-type: none"> A Wayleave will be required allow for the County Council to access the lands as required for inspections, maintenance (obstruction removal, weed clearance etc) and to carry out any repairs which are needed The Proposed Flood Defence Infrastructure Installed on the land cannot be altered without the prior consent of the County Council 			
Flooding Impact		<ul style="list-style-type: none"> Low Adverse – Flood levels slightly elevated (0.06m) above existing levels however flooding retained in stream channel/alongside bankside flood embankment 			
Impact Significance		<ul style="list-style-type: none"> Slight Adverse. Resulting from Slight Adverse Impacts during construction and operation stages 			

Figure 3-2: Sample Property Impact Assessment

3.8 Onsite Interactions

Throughout the design process there were various site visits for Surveys, Site Investigation Purposes and Ground Truthing. During these various site visits, local residents held discussions with members of the Design Team and all comments/concerns were noted and addressed as appropriate.

The Design Team also undertook extensive consultations with affected landowners to provide information on the emerging scheme design and to allow for feedback or concerns to be captured and reflected in the scheme design.

3.9 Summary

As demonstrated throughout this Chapter, extensive consultation has been carried out with Landholders and other Stakeholders throughout the scheme development.

Information on the scheme has been readily provided to all affected parties and multiple opportunities to provide input to the scheme design have been offered. Where possible, feedback received during consultation has been reflected in the Scheme as presented for Statutory Approval.

Statutory Consultation will also be facilitated through the Planning process.