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**REPORT OF INVESTIGATION  
INTO FATAL INCIDENT ON THE  
CLODAGH RIVER,  
CO. WATERFORD  
ON  
7th APRIL 2010**

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**REPORT No. MCIB/180  
(No. 4 of 2011)**

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## 1. SYNOPSIS

- 1.1 On 7th April 2010, Mr. Philip Kelly, Mr. Connie Smith and Mr. Derek Elliott entered the water in their kayaks at Curraghmore Estate in Whitestown, Co. Waterford, Ireland and paddled downstream for about 30 Minutes until they reached the weir at Portlaw.
- 1.2 Whilst attempting to navigate the weir. Mr. Philip Kelly and Mr. Connie Smith lost their lives.

## 2. FACTUAL INFORMATION

### 2.1 The kayaking party comprised:

- Mr. Philip Kelly, Aherlow, Co. Tipperary.
- Mr. Connie Smith, Killashandra, Co. Cavan.
- Mr .Derek Elliott, Knockaderry, Co. Limerick.

### 2.2 Kayak details:

There were two types of kayaks used for the expedition:

#### A. 2 x Plastic Old town XT

Length	2.9 m
Width	72.3 cm
Cockpit	48.2 x 96.5 cm
Depth	30.4 cm
Weight	17.6 kg
Max Load	125 kg

#### B. 1 x Bic Sports Kayak sit on type

Length	3 m
Width	78.8 cm
Cockpit	Open boat no Cockpit
Weight	22.6 kg
Max load	119 kg

### 2.3 Other Equipment

- 3 x Paddles

### 2.4 Safety Equipment

- 3 x Wetsuits
- 3 x 50N Buoyancy aids

### 3. EVENTS PRIOR TO THE INCIDENT

- 3.1 On the day of the incident the weather was dry with clear sunny spells. There had been some showers in the early part of the day but by evening they had passed. The air temperature was 12°C, the breeze was 15 km/h and visibility was 10 miles.
- 3.2 There had been a large amount of rainfall over the previous days with 5mm of rain or greater falling on four of each of the previous five days. The day before the incident rainfall of 17mm was recorded.
- 3.3 As the River Clodagh was swollen as a result of the previous week's rain, the three men decided to take advantage of the good weather by traversing the river.
- 3.4 The men arrived at Portlaw in the late afternoon and left one of the two cars in which they had travelled at the Portlaw Bridge. Taking the second car in order to transport the boats and equipment they travelled the 3.5 km to the entrance of the Curraghmore Estate in Whitestown.
- 3.5 The men entered the water at approximately 19:30 hrs. The river was swollen and was flowing faster than any of the men expected.
- 3.6 Whilst there were several minor incidents on the descent, all arrived safely at the top of the weir in Portlaw at about 19:55 hrs.
- 3.7 The weir at Portlaw was quite swollen and the three men decided to exit the river above the weir and to walk the 300 metres back to the car.
- 3.8 The men landed on the east side of the Clodagh in an old disused factory known locally as The Tannery at about 20.00 hrs. and took the kayaks out of the water.

## 4. THE INCIDENT

- 4.1 On reaching the tanery the sun was low and nightfall was approaching. The men heard dogs barking and believed that they were security dogs free to patrol the factory site where they landed. For that reason, they decided that running the weir was the safer course of action.
- 4.2 Mr. Connie Smith entered the weir first. When he did not emerge on the far side Mr. Philip Kelly entered the water in order to lend him assistance.
- 4.3 Shortly after, the two men shouted from the weir that Mr. Derek Elliott should not follow them but should go and get help.

## EVENTS FOLLOWING THE INCIDENT

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### 5. EVENTS FOLLOWING THE INCIDENT

- 5.1 Mr. Derek Elliot ran to the village of Portlaw. Whilst knocking on the door of a house looking for a rope he met Mr. Tomas Bakierzynski.
- 5.2 Having being loaned a washing line, Mr. Bakierzynski and Mr. Elliot returned to the weir.
- 5.3 On arrival at the weir, Mr. Elliot tied a stick to the washing line and threw it to the two men.
- 5.4 Neither man reacted or attempted to catch the line.
- 5.5 Mr. Elliot persisted in repeatedly throwing the line.
- 5.5 After about ten attempts Mr. Bakierzynski acquired a mobile phone from an onlooker in order that he could give directions to the emergency services.
- 5.6 After about 10 minutes the Portlaw Fire Service arrived on the scene followed very shortly afterwards by an ambulance from Waterford. The Fire Service decided that they were unable to effect a rescue and at 20:09 hrs. they contacted Dunmore East Coast Guard.
- 5.7 At 20.54 hrs. one of the bodies dislodged itself from the weir and was picked up at the bridge in Portlaw at 20.56 hrs.
- 5.8 At 20:56 hrs. Dunmore East and Bonmahon coast guard arrive on scene, they were advised that they would await the arrival of a helicopter.
- 5.9 At 21:32 hrs. the helicopter came on station but was unable to render assistance.
- 5.10 At 22:25 hrs. The second casualty was dislodged using a rope and hook, and was recovered at the bridge in Portlaw.
- 5.11 A medical doctor pronounced both men dead at the bridge in Portlaw before their remains were brought to Waterford Regional Hospital.



## 6. CONCLUSIONS

- 6.1 The rainfall during the week prior to the incident had caused the Clodagh to be swollen. However, this was not necessarily a contributing factor.
- 6.2 The back flow at Portlaw Weir was longer than half a kayak length. As a general rule a kayaker can only pass obstacles that cause water back flow of less than half of their kayak length. Back flow is shown in a diagram in Appendix 8.3 as is the general flow of water through the weir. The design of this weir made it impassable regardless of the water flow over it.
- 6.3 While none of the three men were members of a club or of the Irish Canoe Union, they had some experience of using this kind of craft and had managed to successfully navigate 90% of the planned route.
- 6.4 No risk assessment of the proposed route had been undertaken.
- 6.5 None of the men had Swift Water Rescue Training.
- 6.6 The equipment that could be examined was found to be in good condition. However, it was not best suited for swift water/white water kayaking.
- 6.7 There was no safety equipment/life saving appliances available at the weir.
- 6.8 The weir at Portlaw is, by design, next to impossible to escape from without the use of lifebuoys and or an access ladder.

## 7. RECOMMENDATIONS

Arising from its investigation into this incident, the Board makes the following recommendations:-

- 7.1 All persons taking part in kayaking activities should first undertake appropriate basic survival training, which in this case would have been swift water rescue training.
- 7.2 Prior to all river trips, a risk assessment should be carried out by walking the bank over the full distance of the proposed route prior to embarkation and noting the effect of recent rainfall on the section to be travelled.
- 7.3 The Local Authority should provide adequate and visible signage to warn users that the weir is dangerous and un-navigable. This signage should extend beyond any landing or launching location so that the danger to users entering the approach to the weir are warned in sufficient time.
- 7.4 The Local Authority should supply and install appropriate lifesaving equipment, including permanent exit ladders from the weir.
- 7.5 The Local Authority should prevent the use of the weir in its current design form.

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### Appendix 8.1 Aerial Photograph and Maps of Clodagh River.

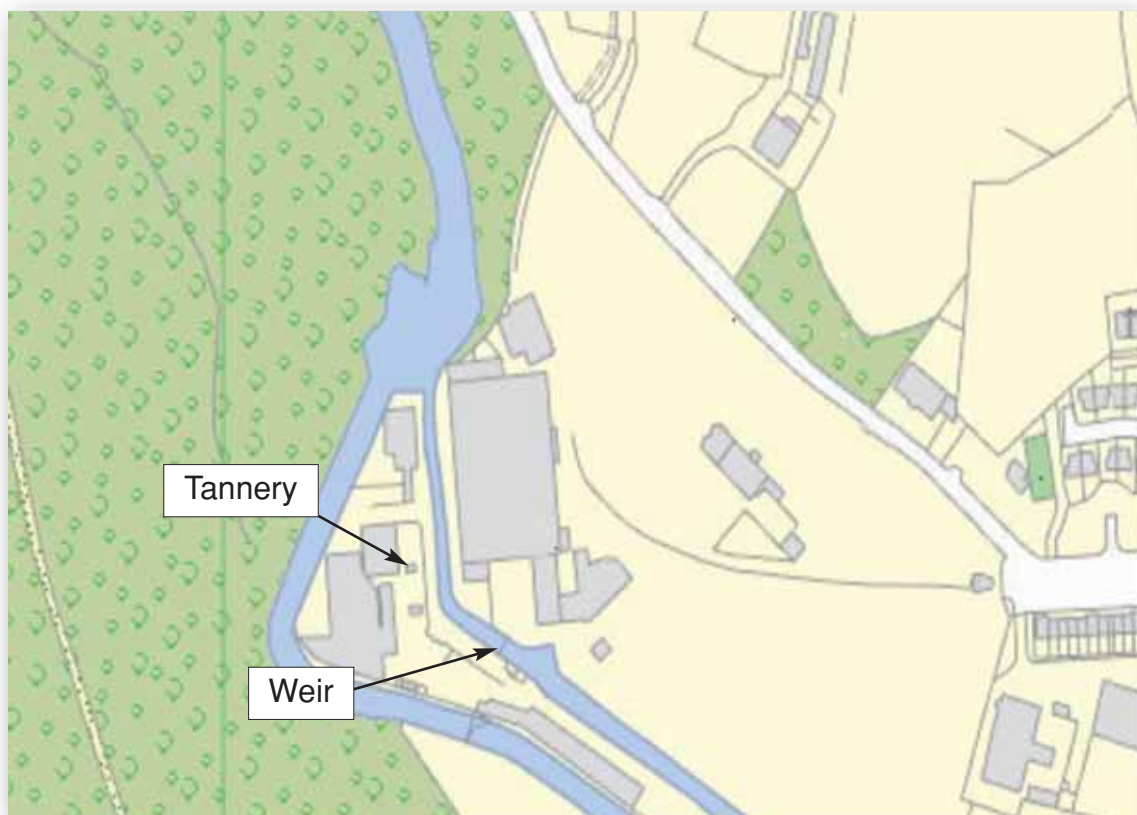


(a) Aerial Photograph of Clodagh River



(b) Map of Clodagh river from Curraghmore Estate to Portlaw

## Appendix 8.1 Aerial Photograph and Maps of Clodagh River.



(c) Large scale map of the Tannery and Weir



## APPENDIX 8.2

### Appendix 8.2 Photographs of Weir at Portlaw taken the morning after the incident

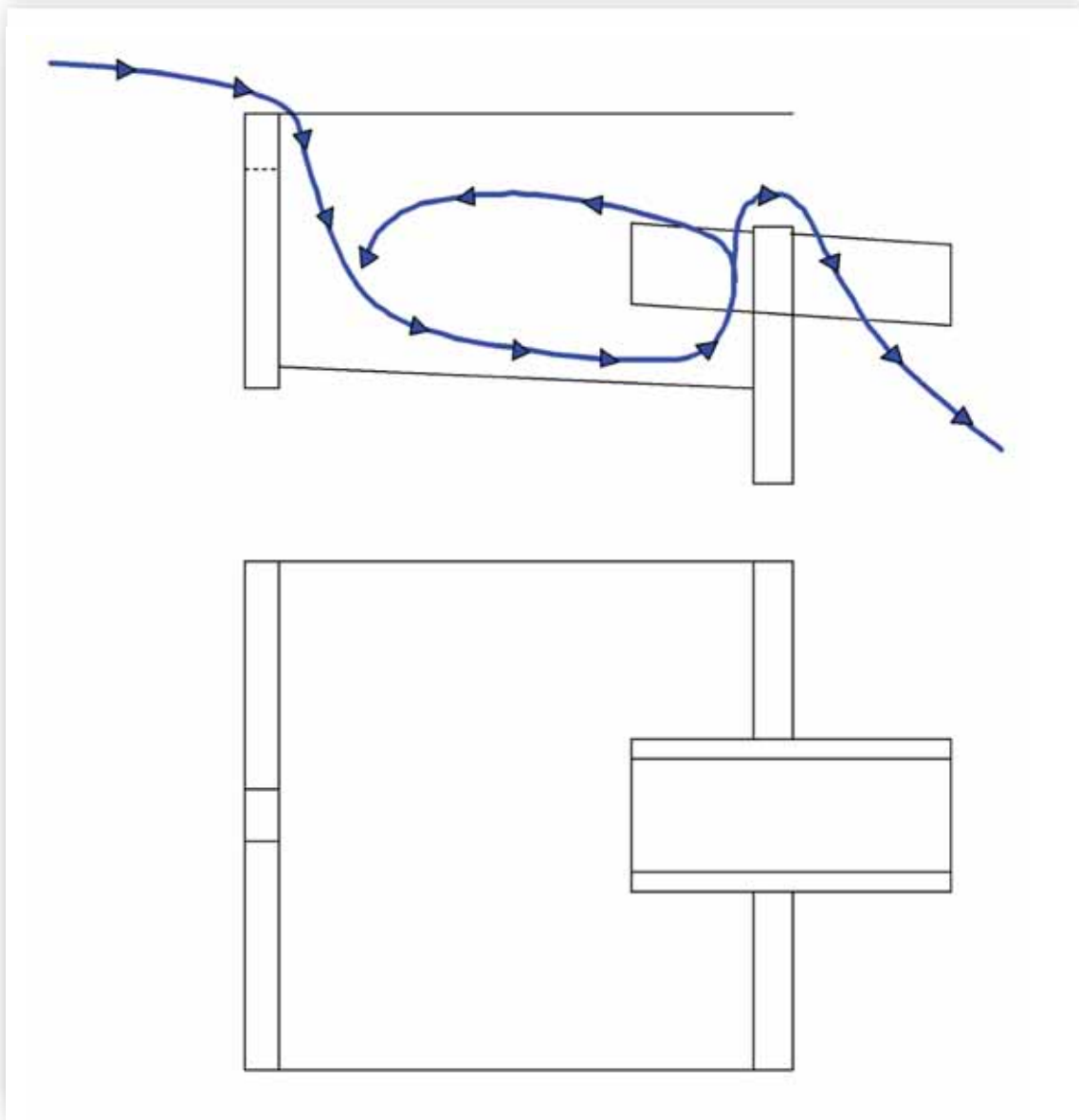


Note that the Bic Sports Kayak sit-on type Kayak is lodged firmly in the weir back flow after twelve hours.



Above is the entrance to the weir. After the two men re-entered the water there was no easy way back.

### Appendix 8.3 Diagram of Weir.



The top part of this diagram shows the flow of water through the weir. Note that the flow splits in two at the top of the lower weir wall on the right side on the diagram. The flow that runs from right to left is the back flow. From the top photograph in 8.2 one gets some idea of the scale of the weir and the length of the back flow. This weir cannot be run.

## APPENDIX 8.4

### Appendix 8.4 Kayaks at time of inspection in Tramore Garda station.



2 x Plastic Old town XT on left and right.  
Bic Sports Kayak blue in the centre.  
All are in near perfect condition.



## Appendix 8.5 SITREP Report.

SITREP REPORT

PRIORITY : NOW  
Reference Number : 0021894  
FILE DATE : 7 April 2010  
DTG : 201004072300  
INCIDENT NAME : 2 KAYAKERS AT PORTLAW  
FROM : MRCC DUBLIN

TO : MRSC MALIN HEAD  
: MRSC VALENTIA  
: SAR OPS MANAGER  
: PRESS - EAST COAST CUSM  
: IRCG MANAGEMENT GROUP

UIIN NUMBER : 0000315 SITREP NUMBER : ONE AND FINAL  
A.IDENTITY OF CASUALTY: KAYAKERS  
B.POSITION : 5217N 00718W, WEIR AT PORTLAW, CO. WATERFORD  
C.SITUATION : FATALITIES TO BE RECOVERED  
D.NUMBER OF PERSONS : 3  
E.ASSISTANCE REQUIRED: RECOVER  
F.CO-ORDINATING : MRCC DUBLIN

G. DESCRIPTION : 3 MALES, EARLY TWENTIES TO EARLY THIRTIES

H.WEATHER : W F2/3, VIS GOOD  
I.INITIAL ACTION : TASKED BONMAHON AND DUNMORE EAST CGUS AND R117

J.SEARCH AREA :  
K.SEARCH DETAILS :

L.FUTURE PLANS :

M.Additional Information  
-----  
2009: REQUEST FROM WATERFORD FIRE SERVICE CENTRE FOR ASSISTANCE IN  
RECOVERING  
FATALITIES FROM WEIR AT PORTLAW - KAYAKING INCIDENT  
2050; BONMAHON AND DUNMORE EAST CGUS ONSCENE  
2056: ONE CASUALTY BROKE FREE FROM WEIR AND RECOVERED DOWN RIVER BY  
DUNMORE EAST CGU  
2132: R117 ONSCENE BUT AREA TOO TIGHT TO EFFECT RESCUE  
2225: JOINT EFFORT BY BUNMAHON AND DUNMORE EAST CGU ASSISTED BY CARRICK  
ON SUIR RIVER  
RESCUE OPEN WEIR GATES AND RELEASE 2ND CASUALTY ALSO RECOVERED FROM RIVER  
BOTH CASUALTIES HANDED OVER TO GARDAI  
2329: DUNMORE EAST CGU REPORT BACK ON STATION - DURING WRAPUP THEY WERE  
TOLD THAT THERE  
WAS ONE SURVIVOR WHO IS ASSISTING GARDAI WITH ENQUIRIES ABOUT THE CAUSE  
OF THE INCIDENT

### Appendix 8.6 Met Éireann Weather Report for the Period .



**MET ÉIREANN**  
*The Irish Meteorological Service*

Glasnevin Hill,  
Dublin 9, Ireland.

Cnoc Ghlas Naíon  
Baile Átha Cliath 9, Éire.  
www.met.ie

Tel: +353-1-806 4200  
Fax: +353-1-806 4247  
E-mail: met.eireann@met.ie

Ms Eve Reddin,  
Marine Casualty Investigation Board  
Leeson Lane  
Dublin 2

13/4/2010

*Our Ref.* WS3018/2B\_13610  
*Your Ref.* MCIB/180

**Re: Estimate of general weather and rainfall amounts in the River Clodagh catchment area, between the 2<sup>nd</sup> and the 7<sup>th</sup> April 2010.**

Dear Ms Reddin,

Please find enclosed the above report. I have taken the catchment area of the River Clodagh to be the area between the Comeragh Mountains and Portlaw. If you need any further information, please get back to me.

This report was based on our synoptic stations, our radar and satellite data and our routine charts drawn up by this office. However we also will have several rainfall stations near or within the catchment area that will report rainfall daily total amounts to us during the 1st week in May. These may help improve my estimate of rainfall for the catchment. Please get back to me in May if you need these.

Yours sincerely,

**Evelyn Murphy B.Sc. M.Sc. Meteorologist**  
(Climatology & Observations and Research and Applications Divisions)  
Ph 01- 8064290 Fax 01 – 8064247  
Email: evelyn.murphy@met.ie



## Appendix 8.6 Met Éireann Weather Report for the Period .



### MET ÉIREANN *The Irish Meteorological Service*

Glasnevin Hill, Cnoc Ghlas Naíon Tel: +353-1-806 4200  
Dublin 9, Ireland. Baile Átha Cliath 9, Éire. Fax: +353-1-806 4247  
www.met.ie E-mail: met.eireann@met.ie

13/4/2010

**Our Ref:** WS3018/2B\_13610

#### **Estimate of general weather and rainfall amounts in the River Clodagh catchment area, between the 2<sup>nd</sup> and the 7<sup>th</sup> April 2010.**

##### **2<sup>nd</sup> April**

A rain-belt/frontal trough passed over the whole catchment area during the morning, between 3 and 10 a.m. Occasional showers followed in the afternoon and evening, some heavy.

**Amounts of rain for the day varied between 3 and 10 mm across the whole catchment.**

##### **3<sup>rd</sup> April**

A depression close to the south coast gave rain along the south coast during the morning, however very little rain in the catchment itself. Mainly northerly winds in the afternoon and evening brought showers to the area in the late afternoon and early evening

**Amounts of rain were small generally 0 to 0.5mm across the whole catchment, but isolated showers could have given a very localised 2 to 3 mm of rain over an hour.**

##### **4<sup>th</sup> April**

A weak ridge of High Pressure in the morning and early afternoon was followed by moderate, mainly southerly winds. It was generally dry for most of the day but there was a prolonged spell of rain across the whole catchment between 18 hours and midnight.

**Amounts of rain were between 2 and 5 mm over the whole catchment**

##### **5<sup>th</sup> April**

Low pressure off the north coast, Moderate to Fresh and gusty winds, mainly from a south to south-westerly direction over the area, occasional spells of rain and drizzle throughout the day, but most of the rain fell over the Comeragh Mountains area of the catchment, with little rainfall further east.

**Amounts of rain - 0.5 to 1mm across most of the catchment but 7 to 10mm near the Comeragh Mountains.**

.....continued



## Appendix 8.6 Met Éireann Weather Report for the Period .

**MET ÉIREANN***The Irish Meteorological Service*Glasnevin Hill,  
Dublin 9, Ireland.Cnoc Ghlas Naíon  
Baile Átha Cliath 9, Éire.  
[www.met.ie](http://www.met.ie)Tel: +353-1-806 4200  
Fax: +353-1-806 4247  
E-mail: [met.eireann@met.ie](mailto:met.eireann@met.ie)

..... WS3018/2B\_13610 continued

**6<sup>th</sup> April**

Low pressure to the north of Ireland. Frequent frontal troughs and rain belts moved eastwards across Ireland, which led to widespread rain across the whole catchment area, between midnight and 11 a.m. Frequent showers in the afternoon, some heavy and thundery. Mostly dry overnight.

**Rainfall amounts about 17mm over the whole catchment area – and most of this fell in the morning.**

**7<sup>th</sup> April**

Mostly dry with clear and sunny spells, isolated light showers and good breaks between clouds. Light winds, mainly from a north-west to westerly direction, 15 km/hour or less. Air temperatures of near 3°C around dawn increased during the day to about 12°C in the afternoon, falling steadily in the evening to about 3°C again by midnight. Visibility was good throughout, greater than 10 km.

**Rainfall amounts across the whole catchment between 0 and 0.1mm**

**Evelyn Murphy B.Sc. M.Sc. Meteorologist**  
Climatology & Observations and Research and Applications Divisions.  
Met Éireann



## **9. CORRESPONDENCE RECEIVED**

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## An Garda Síochána

An Leas-Choimisinéara  
(Oibríochtaí)  
An Garda Síochána  
Ceanncheathrú na nGardaí  
Páirc an Fhionn-Uisce  
Baile Átha Cliath 8

Tel. / Teileafón (01) 666 2057/8/9

Fax. / Facs (01) 666 2060

Please quote the following Ref. No.



Deputy Commissioner  
(Operations)  
An Garda Síochána  
Garda Headquarters  
Phoenix Park  
Dublin 8

Web Site : [www.garda.ie](http://www.garda.ie)

E-mail : [commissioner\\_ops@garda.ie](mailto:commissioner_ops@garda.ie)

OPS 79.13.10,  
PA 2.1.43

MCIB Reference: MCIB/180

**Ms. Eve Reddin,  
Secretariat,  
Marine Casualty Investigation Board,  
Leeson Lane,  
Dublin 2.**


**Re: Draft Report of the Investigation into Fatal Incident on the Clodagh  
River, Co. Waterford on 7<sup>th</sup> April, 2010.**

I am directed by Deputy Commissioner, Operations to refer to previous correspondence from the Marine Casualty Investigation Board to the Commissioner in above matter, resting with minute dated 10<sup>th</sup> November, 2010.

I wish to advise that the draft report in relation to this incident has been reviewed by Gardai investigating same and the following observation is made in respect to Section 4.2 of same:

While **Section 4.2.** of the Draft Report states that "The three men re-launched the kayaks shortly afterwards", it is understood that statement is factually incorrect as Mr. Elliott did not re-launch at this time and both Mr. Smith and Mr. Kelly warned him not to do so.

*Yours sincerely,*

  
**Frank Walsh  
Superintendent for  
Deputy Commissioner  
21<sup>st</sup> December 2010**

Ráiteas Misin / Mission Statement :  
Ag obair le Pobail chun iad a chosaint agus chun freastal orthu / Working with Communities to Protect and Serve

## MCIB RESPONSE

The Board notes the content of this correspondence and has made the necessary amendment.

**COMHAIRLE CONTAE PHORT LÁIRGE**

**Síothóir-Iompar & Infrastruchtúr**

Oifigí Cathartha,  
Dún Garbhán,  
Co. Phort Láirge.

Tel.: 058-22055

Fax: 058-20883

email: mquinn@waterfordcoco.ie



**WATERFORD COUNTY COUNCIL**

**Director of Transport & Infrastructure**

Civic Offices,  
Dungarvan,  
Co. Waterford.

**Director of Services**

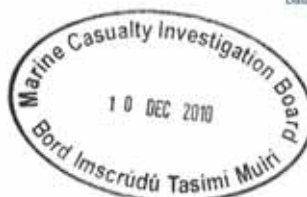
Michael Quinn, F.C.C.A.

My Reference  
Mo Thag:

Your Reference:  
Do Thag:

Date:  
Dáta:

**To:** John O'Donnell,  
Marine Casualty Investigations Board,  
Leeson Lane,  
Dublin 2.



9/12/10

**Re:** Draft Report into fatal incident on the Clodagh River Co. Waterford on the 7<sup>th</sup> April 2010

Dear John

Apologies for the delay in responding to your letter of the 10<sup>th</sup> of November. Due to the recent severe weather this issue was omitted from my correspondence. Waterford County Council wishes to advise that the following steps have already been taken

- Life saving equipment has been installed at Portlaw Weir
- Signage has been installed warning that the weir is dangerous

In relation to the recommendations in your report I wish to make the following comments

**Recommendation 7.3:** Life saving devices were installed at this location in the past but as a result of anti social behaviour they were vandalised and eventually they were not replaced. We have been in discussions with the Suir River Rescue Service and they have agreed to monitor the location and to replace life buoys when required. Hopefully they will be respected this time.

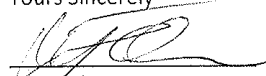
**Recommendation 7.4:** The signs we installed were put in locations where they would be visible from the river so we will review the location and ensure they are also visible from the river bank and will put up additional signs if required.

**Recommendation 7.5:** This recommendation is more of a problem. The only way to prevent the weir being used for recreational purposes is to erect barriers across the weir. However this will catch debris which is washed down river and could result in flooding issues in the immediate

vicinity. It would also be problematic to maintain, as access would have to be by boat. I will review the situation with the Area Engineer and the Suir River Rescue Service to see if there are alternative measures which may achieve this.

I would again like to convey my sincere sympathy to the Smith and Kelly families on the tragic loss of Connie and Philip.

Yours Sincerely



Michael Quinn,  
Director of Services  
Waterford County Council

### MCIB RESPONSE

The Board notes the contents of this correspondence.





24 November 2010

**Draft Report of Investigation into the fatal accident  
on the Clodagh River, Co Waterford on 7<sup>th</sup> April 2010.**

Dear Mr. O'Donnell,

We have no observations to make on this Report except to request that "Coast Guard" be in capital letters at 5.8.

Yours Sincerely,

Chris Reynolds,  
Director IRCG

*Irish Coast Guard, Department of Transport, Leeson Lane, Dublin 2, Ireland.  
Garda Cóstá na hÉireann An Roinn Iompair, Lána Chill Mochargán, Baile Átha Cliath 2, Éire.  
Tel: + 353 1 6783455 / 3427. Fax: + 353 1 6783459, email: admin@irishcoastguard.ie*

## MCIB RESPONSE

The Board notes the contents of this correspondence and has made the necessary amendment.





