



An
Bord
Pleanála

Inspector's Report ABP-317767-23

Development	39 Residential units and works to a bridge.
Location	Newtown, Celbridge, Co. Kildare
Planning Authority	Kildare County Council.
Applicant	Kildare County Council.
Type of Application	Section 177AE.
Observer(s)	Brenda Saunders Brendan and Marry Connell Chelmsford Residents Association David Morris Denis Reeves Edel McGuirk Elaine O'Reilly

Joseph Aherne
Katie Quinlan
Linda and Cathal Early
Linda O'Donnell
Many Lewis and Paul Gorman
Mark Derham
Michael and Rita Carney
Michael and Sabrina Reed
Mick Craddock
Nicola Aherne
Paddy Farrell
Pat and Teresa Cummins
Peter and Aishling Connolly
Peter Donnelly
Residents of Chelmsford (Darren &
Louise Faherty)
Rosaline Dunne
Sinead O'Reilly
Siobhan Keirnan
Upstream Templemills.

Date of Site Inspection

22nd July 2024.

Inspector

Philip Davis.

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1.0 Introduction

This application is for approval for a scheme of 39 dwellings on an edge of town site in Celbridge, Co. Kildare. The application has been made under Section 177AE of the Planning and Development Act, 2000 (Local Authority development requiring Appropriate Assessment). Kildare County Council is seeking approval from ABP for the proposed residential development on agricultural land close to the Liffey to the south of the town. The proposed works include the widening of a nearby road bridge to facilitate pedestrian access to the site.

Section 177AE of the Planning and Development Act 2000 (as amended) requires that where an Appropriate Assessment is required in respect of development by a local authority, the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications.

2.0 Site Location and Description

2.1. Celbridge and general area

Celbridge Town, with a population of approximately 20,000, is located on a crossing point of the River Liffey in east Kildare. The settlement has an ecclesiastical medieval origin on a river crossing point but developed economically in the 18th and 19th Centuries primarily around water powered mills on the Liffey. Over the past two centuries the town has extended mostly in a northerly and westerly direction away from the Liffey crossing and the Main Street. In more recent times it has become a local market town and commuter belt town of Dublin. It is connected to the city via Hazelhatch railway station and frequent direct bus services from the Main Street. The site in question is located approximately 1.5 km south of the Main Street, on the south-eastern bank of the River Liffey, close to where a tributary, the Pausdeen, joins the main river.

The site is located on the Newtown/Ardclough Road (sometimes referred to as the Pausdeen Road), which runs more or less south from the main river crossing of the Liffey, paralleling the Liffey on the south-eastern bank. The area is mostly urban fringe/rural in nature, albeit with one large residential estate on the southern side of the road (Chelmsford), and a near constant ribbon of individual dwellings and small

developments along both sides for around 2km from the town. A 220KV line with a near parallel smaller 32kv line run east to west across the area, just north of the site.

2.2. Development Site

The site is located on the north-western side of a road running south-west from the town of Celbridge in Co.Kildare. The river Liffey runs north-west and north of the site. The land includes a semi-derelict bungalow and garden facing the road and is mostly low lying pasture, with a gentle fall in levels towards the river. The site area is given as just under 1.4 hectares and is part of a larger landholding which extends to the banks of the Liffey. It is bounded by a series of block walls, fences and hedges but is open to the north and western sides where the grazing land continues over the landholding. The proposed development also includes works to Pausdeen Bridge, just north-east of the site on the road to Celbridge. This is a stone single arched bridge of apparently 19th century date crossing a minor tributary of the Liffey, the Pausdeen Stream.

3.0 Proposed Development

- 3.1. The proposed development consists of the demolition of the existing derelict dwelling, the construction of 39 residential units and the widening of Pausdeen bridge.

4.0 Technical Reports

Design Statement

The design statement provides an overview of the context of the site and brief – the proposal is for 1 no. 4-bed house, 13 no. 3-bed houses 4 no. 3-bed duplexes, 3 no. 2-bed apartments, 6 no. 2 bed duplexes, 4 no. 1-bed apartment and 8 no. 1-bedroom home, with a total of 39 residential units. It is intended that it would be connected by green landscaped public open spaces running along the Liffey. A number of visualisations are included in the report, with plans and tables indicating the overall mix of house types.

Engineering Services Report

An Engineering Services Report indicates that it is proposed to connect the site to the watermain in Ardclough Road. Foul water is to be discharged by gravity to the Ardclough Road 225mm pipe. Irish Water (Uisce) indicates that this is acceptable within the timetable for the delivery of the Primrose Hill Pumping Station Project, which is required for capacity.

Flood Risk Assessment

A Flood Risk Assessment was submitted by Tobin Consulting Engineers. This assessment included impacts of the proposed bridge works over the Pausdeen. It is noted that the LAP Flood Risk Assessment indicated that the western edge of the site has the potential for flooding under the 1% 1:100 year AEP and the 0.1% 1:1000 year AEP, while the eastern portion is not historically at risk of flooding.

It is noted based on GSI information that the area is on a bedrock of limestone and shale. There are no recorded karst features in the Celbridge area. It is concluded that there is no evidence to suggest there is any groundwater flooding at the site. It is stated that all surface water arising on site will be managed by a storm drainage system and attenuation – it is not predicted that it will contribute towards flood risk elsewhere.

A sequential approach and Justification test is set out – it is noted that the site is within a Flood Zone C area (i.e. low flood risk).

Ecological Impact Assessment Report

A field study was carried out in July/August 2021. A desk study identified designated habitats within 15km of the site (Indicated in Figure 2.2). A desk study was used to identify the possible use of the site for bats – no suitable roosting site was identified – none were detected in or around the house.

The field survey indicated that the site at the time of the survey was primarily agricultural improved grassland with hedges, some scrub and treelines. There were also some ornamental and non-native scrub around the dwelling house. A small area of spoil was identified.

The report concluded that the proposed works would not result in any significant impact on the flora and fauna in the existing environment.

Appropriate Assessment Screening Report

An AA Screening Report dated August 2021 identified 4 no. EU sites (Rye Water Valley/Carnton SAC (001398); Glenasmole Valley (0012109); Red Bog (000397) and Ballynafagh Bog (000391), all SAC's as being within 15 km of the site.

All were screened out apart from the Rye Water Valley/Carnton SAC. With the latter, it was assessed that as the flood risk area was adjacent to the site, surface water runoff from the proposed development (including from the removal of stone on the pedestrian bridge), and this could result in water quality deterioration of habitats associated with that site. This applies only to construction impacts.

Natura Impact Statement

A full NIS was submitted dated August 2021 based on the AA Screening.

This NIS provides an overview of the site's existing habitats. Relevant planning permissions in the area are listed out as potentially contributing to in-combination or other cumulative impacts (it was concluded that there are none). Mitigation measures are set out (all standard best practice construction measures as outlined in the CEMP). It concludes that all works to the main site can be screened out, identifying the removal of the existing stone parapet/construction of the pedestrian bridge along with associated surface water run off could result in potential water quality of the Rye Water Valley/Carnton SAC via the River Liffey. It concludes that with the implementation of the best practice and mitigation measures described in section 3.2 of the report, there would be no direct, indirect, or secondary impacts on the Rye Valley/Carnton SAC.

Archaeological Impact Assessment (2 studies plus a magnetic gradiometer survey report)

This study was based on a desk and field study. Noted that there are no records for archaeology on the site (no recorded ancient monuments), no NIAH buildings on or close to the site and it is not within an ACA. No features of interest identified, but a geophysical survey was recommended.

The second report involved a geophysical study along with seven test trenches carried out in April 2022. The latter trenches were located to investigate anomalies identified in the geophysical survey. The remains of a ditch were found. This is a

possible enclosure of unknown date. It is recommended on this basis that if permission is granted, a full excavation of this possible enclosure be carried out prior to full works, and that other works be overseen by a suitably qualified archaeologist.

Environmental Impact Assessment Screening.

A Screening Report submitted by the applicant concludes that it does not come under any class identified under Part 2 of the Schedule 5 of the Act as amended. It is concluded that it is not a sub-threshold development.

Stage 1 and Stage 2 Road Safety Audit.

A Road Safety Audit provided background information on the site and roads around it – it is noted that one minor injury collision is recorded on the Ardclough Road in the 12 year period from 2005 to 2016. It is recommended that the entrance corner radii be reduced. It is noted that there is some ambiguity on the type of pedestrian crossing proposed across Ardclough Road – it is recommended that either a controlled or uncontrolled crossing be provided. A number of other minor alterations to the internal layout are proposed.

Outdoor Lighting Report

This report outlined locations and luminance figures for a public lighting setup for the proposed development.

Preliminary Construction & Demolition Waste Management Plan

A preliminary CDWMP outlined standard measures for addressing construction waste and minimising amenity and environmental impacts during construction works. It is proposed to use silt traps on all identified drains to prevent run-off to the Liffey. The proposals include measures for works to the bridge.

4.1. Prescribed Bodies

Water Services Planning: Requests several standard conditions relating to surface water drainage, a Section 50 (OPW) consent for the bridge extension, Uisce Éireann consultation, and a full Flood Risk Mitigation Plan to be implemented.

DoHLGH (DAU): Notes and acknowledges the findings of the geophysical survey and investigations. Broadly concurs with the impact statement and

recommendations. Recommends a condition for archaeological oversight and recording (preservation by record) and a monitoring condition.

DoECC (Geological Survey Ireland): No County Geological Sites (CGS) in the area. Notes the lands are in an area designated as 'moderate' to 'high vulnerability for groundwater. No geohazards identified. Requests that a copy of reports detailing any site investigations be submitted via the Geological Mapping Unit.

Transport Infrastructure Ireland: No observations.

Health Services Executive: Recommends conditions on construction noise, air quality, ventilation, external lighting and Waste/refuse facilities with pest control

4.2. **Third Party Observations**

Brendan & Mary Connell

Argues that a proper flood study and flood risk assessment has not been carried out on the site, which is claimed to be a flood plain. States that they have seen many floods on the site (they live next to the lands) and express concerns at the absence of any clear site investigation or empirical data collection with regard to flooding. It is submitted that the FRA submitted appears to be a desktop study only. It is argued that the report submitted is strategic in nature only and does not address site specific issues.

It is suggested that the site is subject to groundwater in addition to pluvial flooding.

It is argued that the ecological assessment of the site is inadequate as it does not address habitats beyond the site itself and does not include the potential impacts of the bridge works. It is claimed that there may be otters in the area. Also highlighted are a lack of mitigation measures for the main channel of the Liffey.

It is argued that the proposed SUDS scheme does not adequately address the specific issues of the site, nor its suitability for the lands. It is also noted that there is no quantitative or qualitative information on proposed discharges to the Liffey.

An annex report is attached to present evidence on flooding in the area, including an ESB and KCC report into a November 2000 flood event.

Chelmsford Residents Association (C/o Jeffrey Aherne)

It is submitted that the flooding report submitted with the application does not adequately address known flood risks for the site. It is noted that the sequential approach to flooding does not appear to have been applied as part of the site is within Flood Zone C. It is argued that the logic of the flood assessment has not been followed through with additional surveys.

In addition to the above, the following points are highlighted:

- It is argued that there has been insufficient investigation into road safety issues regarding access and works to the Pausdeen Bridge. It is noted that ABP refused permission for a nearby estate citing road safety concerns.
- It is noted that the archaeological report recommended further investigations.
- It is argued that there are ambiguities about land ownership issues of lands around the Pausdeen Bridge
- It is argued that infrastructure in the area is inadequate, in particular with regard to traffic and playground provision.
- It is argued that three storey buildings are inappropriate in this area and represent overdevelopment.
- Concerns outlined about the fishing and ecological impacts of the works to the bridge.
- Additional concerns are outlined regarding adherence to local planning policy, inclusivity, and water supply issues.

This submission is accompanied by a number of photographs and other documents supporting the concerns outlined by local residents.

Edel McGuirk of 7 Chelmsford Road

Flooding: Argues that the flooding report submitted with the application does not adequately address known flood risks for the site. Notes that the sequential approach to flooding does not appear to have been applied as part of the site is within Flood Zone C.

Road Safety: Insufficient investigation into road safety issues with regard to access and works to the Pausdeen Bridge.

Archaeology: It is noted that the archaeological report recommended further investigations.

Land ownership: Ambiguities around ambiguities about land ownership around the Pausdeen Bridge and whether KCC has the freehold.

It is argued that infrastructure in the area is inadequate, in particular regarding traffic, road safety (road width) and playground provision.

It is argued that three storey buildings are inappropriate in this area and represent overdevelopment.

Katie Quinlan of 21 Chelmsford

Flooding: Argues that the flooding report submitted with the application does not adequately address known flood risks for the site. Submits that the sequential approach to flooding does not appear to have been applied. Raises concerns about location within Flood Zone C.

Road Safety: Argues that there has been an Insufficient investigation into road safety issues regarding access and works to the Pausdeen Bridge.

Archaeology: Notes that the archaeological report recommended further investigations.

Land ownership: Highlights ambiguities around ambiguities about land ownership around the Pausdeen Bridge.

It is argued that infrastructure in the area is inadequate, regarding traffic, road safety and playground provision.

Argues that three storey buildings are inappropriate in this area and represent overdevelopment.

Mandy Lewis & Paul Gorman of 23 Chelmsford

Flooding: States that some local residents cannot get flood insurance because of proximity to the Liffey and questions if this applies to the new proposed development. Argues that the flooding report submitted with the application does not adequately address known flood risks for the site.

Notes that the sequential approach to flooding does not appear to have been applied as part of the site is within Flood Zone C.

Road Safety: Insufficient investigation into road safety issues with regard to access and works to the Pausdeen Bridge.

Archaeology: It is noted that the archaeological report recommended further investigations.

Land ownership: Ambiguities around ambiguities about land ownership around the Pausdeen Bridge and whether KCC has the freehold

It is argued that infrastructure in the area is inadequate, in particular regarding traffic, road safety (road width) and playground provision.

It is argued that buildings of the proposed height are visually inappropriate in this area.

Michael & Rita Carney of 2 Pausdeen

Flooding: It is claimed that some local residents cannot get flood insurance because of proximity to the Liffey and questions if this applies to the proposed development. Argues that the flooding report submitted with the application does not adequately address known flood risks for the site. Notes that the sequential approach to flooding does not appear to have been applied as part of the site is within Flood Zone C.

Road Safety: Argues that there has been inadequate investigation into road safety issues with regard to access and works to the Pausdeen Bridge.

Archaeology: It is noted that the archaeological report recommended further monitoring.

Land ownership: Ambiguities around ambiguities about land ownership around the Pausdeen Bridge and whether KCC has the freehold.

It is argued that infrastructure in the area is inadequate regarding road safety (road width) and playground provision.

It is argued that buildings of the proposed 3-storey height are visually inappropriate in this mostly rural area.

Mick Craddock of Whitethorn, The Big Grove

No objection to the principle of housing but expresses concerns on inadequate roads and footpaths/lighting in the area.

Notes that the road from Celbridge to Ardclough is inadequate with poor sightlines from existing accesses.

Highlights specific issues around the access to the proposed site.

Highlights lack of information on a possible Liffey Bridge.

Nicola Aherne of Chelmsford Residents Association (18 Chelmsford)

Flooding: States that some residents cannot get flood insurance because of proximity to the Liffey and questions if this applies to the proposed new housing. Argues that the flooding report submitted with the application does not adequately address known flood risks in the area. Notes that the sequential approach to flooding does not appear to have been applied as part of the site is within Flood Zone C.

Road Safety: Highlights what are claimed to be insufficient investigation into road safety issues with regard to access and works to the Pausdeen Bridge.

Archaeology: It is noted that the archaeological report recommended further monitoring.

Land ownership: Ambiguities around ambiguities about land ownership around the Pausdeen Bridge and whether KCC has the freehold rights to the land.

It is argued that infrastructure in the area is inadequate regarding traffic, road safety and playground provision.

It is argued that the three storey buildings of the proposed development would be visually inappropriate.

Elaine O'Reilly of 34 Chelmsford

Claims that the site is a known habitat of badgers – a protected species under the Wildlife Acts (1976 and 2018).

Argues that there could be disruption of bat habitat.

Submits that an EIA should be carried out.

Requests mitigation measures with regard to any impacts to protected species.

Requests an assessment of alternative locations for the residential development.

Paddy Farrell of 35 Chelmsford

Flooding: States that some local residents cannot get flood insurance because of proximity to the Liffey and questions if this applies to the new proposed development. Argues that the flooding report submitted with the application does not adequately address known flood risks for the site.

Notes that the sequential approach to flooding does not appear to have been applied as part of the site is within Flood Zone C.

Road Safety: Insufficient investigation into road safety issues with regard to access and works to the Pausdeen Bridge.

Archaeology: It is noted that the archaeological report recommended further investigations.

Land ownership: Ambiguities around ambiguities about land ownership around the Pausdeen Bridge and whether KCC has the freehold

It is argued that infrastructure in the area is inadequate, in particular regarding traffic, road safety (road width) and playground provision.

It is argued that buildings of the proposed height are visually inappropriate in this area.

Pat and Teresa Cummins & Others of Newtown, Celbridge

Concerns outlined about the risk of flooding on the site – it is questioned whether the submitted flood analysis addresses the historic evidence, including a claim that the site was subject to dumping of fill/waste material in 1988. It is argued that this site would be more appropriately used for amenity.

Concerns outlined about the claimed lack of action to alleviate traffic issues at the Newtown/Ardclough Road and Lucan / Hazelhatch Road junction despite further development in the area.

Raises concerns about wastewater capacity in the area.

Photos attached indicating what are claimed to be recent flooding events on the lands.

Peter & Ashling Connolly of Newtown House

They run a livestock farm next to the site – it is requested that a 2 metre high concrete wall would be required along the southern side of the proposed development to protect their cattle and horses.

Objects to the positioning of units 23, 24 and 25 – it is argued that these would overlook their yard and their home.

Darren & Louise Faherty of 6, Chelmsford (Residents of Chelmsford)

Flooding: States that some local residents cannot get flood insurance because of proximity to the Liffey and questions if this applies to the proposed development. Argues that the flooding report submitted with the application does not adequately address known flood risks for the lands. Notes that the sequential approach to flooding does not appear to have been applied as part of the site is within Flood Zone C.

Road Safety: Insufficient investigation into road safety issues with regard to access and works to the Pausdeen Bridge and summarises evidence of road traffic accidents in the area. Argues that the approach of the traffic report has been selective.

Archaeology: It is noted that the archaeological report recommended further investigations and monitoring.

Land ownership: Ambiguities around ambiguities about land ownership around the Pausdeen Bridge and whether KCC has the freehold

It is argued that infrastructure in the area is inadequate, in particular regarding traffic, road safety (road width) and playground provision and that the proposed height is intrusive and excessive for the area.

Submits that there has been no assessment of the value of the Pausdeen waterway as a wildlife habitat and possible spawning ground.

A number of photos and other information is submitted in support of the above arguments.

Rosaline Dunne of 31, Chelmsford

Flooding: States that some local residents cannot get flood insurance because of proximity to the Liffey and questions if this applies to the new proposed development. Argues that the flooding report submitted with the application does not adequately address known flood risks for the site and should have assessed the lands as High Risk.

Notes that the sequential approach to flooding outlined in CFRAM does not appear to have been applied as part of the site is within Flood Zone C and notes a lack of assessment of potential groundwater flood risk.

Road Safety: Insufficient investigation into road safety issues with regard to access and works to the Pausdeen Bridge and argues that some of the information submitted in assessing traffic and safety is inadequate and out of date.

Archaeology: It is noted that the archaeological report recommended further investigation and monitoring.

Land ownership: Ambiguities around ambiguities about land ownership around the Pausdeen Bridge and whether KCC has the freehold

It is argued that infrastructure in the area is inadequate, in particular regarding traffic, road safety (road width) and playground provision.

It is argued that buildings of the proposed height are visually inappropriate in this area.

It is argued that the Pausdeen waterway is a fish spawning ground and no assessment has been carried out of any possible damage that would be caused by the bridge works.

Sinead O'Reilly of 13 Templemills Cottages

Agrees with the principle of residential development in the area but submits that the proposed development is of poor quality and is excessively dense.

Submits that the impact on EU designated habitats has not been adequately addressed.

It is argued that the full extent of ownership of the lands of the proposed widening of Pausdeen Bridge is not accurately indicated on the submitted drawings (210303-03-

001). It is also claimed that some of the proposed works including the pedestrian crossing, utilities connections, and drainage pipes are not within the red zoned area.

It is argued that the statutory public notices were inadequate as no site notice was erected on Pausdeen Bridge and just a single notice was erected on the main site.

It is argued that the proposed pedestrian crossing would be dangerous as there are no traffic control measures on this road and speeds are too high. It is also submitted that there is insufficient connectivity from the Pausdeen Bridge works to other areas, and that it will encourage more speeding. It is also noted with concern that the overall proposals focus on pedestrian access to the site, but not the village of Celbridge or Hazelhatch railway station – as such, pedestrian links are inadequate.

Photographs are attached in support of the argument that pedestrian and public transport links to the site are inadequate. It is also argued that the Design Report is inadequate and makes unsupported statements on energy compliance.

A number of detailed criticisms are made of the overall design. It is argued that there is insufficient segregation between cycles and pedestrians in the area, and that parking is inadequate and there is no EV parking. It is also argued that the overall provision of internal circulation and parking is of poor quality, as is internal vehicular manoeuvring space.

It is argued that the quantity and quality of the proposed open space is substandard and does not meet minimum development plan standards. It is questioned whether the cycle parking spaces are acceptable, and what are described as 'homezones' (shared space areas) are argued to be inappropriate.

It is argued that there is insufficient information in the plans regarding a number of key issues, including the design and layout of private open space, the finishes of boundary walls, storm water run-off, and foul drainage connection.

It is noted that the Ecology Impact Assessment submitted is dated August 2011 and suggests water quality has changed since this time. It is also argued that the submission fails to address downstream impacts on EU habitats from works to the Pausdeen Bridge. It is also submitted that no adequate assessment has been carried out on Annex II species in the location.

It is argued that the design does not comply with a number of LAP policies including the F2 zoning (it is submitted that some of the works are on the F2 (open space) area), MT01.8 on the permeability of new developments, MT03.7 on the Kildare LA Noise Action Plan 2013 plus the Cycle Design Manual; MT04.1(a) on parking provision and INFP2.4 on water quality status.

Malcolm Banks and Brid Griffin of 'Upstream Templemills' (adjoining business).

Supportive of the proposed development subject to three issues:

- States that there has been no consultation on proposed changes to their boundary wall (drw no. 210303-03-124 Rev C).
- Requests traffic controls on the road – it is stated that speeding is a significant hazard.
- It is submitted that a zebra crossing is unsafe at the road – requests a full traffic light-controlled crossing.

Linda O'Donnell of 25 Chelmsford

Argues that three storey blocks are inappropriate in this area.

Questions whether there is sufficient connectivity with water and wastewater (refers to Uisce Eireann report).

Highlights statement in archaeological report that the impacts will be 'direct, negative and permanent'.

Argues that there is insufficient connectivity with the village and would be an isolated development for the elderly and disabled. Also claims a lack of social inclusion.

Argues that road safety issues have not been adequately addressed with regards to access design and the existing footpath connection to local schools, etc.

Notes a previous refusal (planning ref 184041) for traffic reasons. States that promised road upgrades have not taken place.

It is argued that environmental, habitat and fishery information is inadequate and incomplete.

It is questioned as to whether a SuDs approach is adequate considering potential flood issues. Argues that potential flooding issues have been ignored.

Restates overall objections from other submissions.

David Morris of 34 Chelmsford

Flooding: States that some local residents cannot get flood insurance because of proximity to the Liffey and questions if this applies to the new proposed development. Argues that the flooding report submitted with the application does not adequately address known flood risks for the site or surrounding area. Notes that the sequential approach to flooding does not appear to have been applied as part of the site is within Flood Zone C.

Road Safety: Argues that there has been Insufficient investigation into road safety issues regarding access and works to the Pausdeen Bridge.

Archaeology: It is noted that the archaeological report recommended further investigations.

Land ownership: Ambiguities around ambiguities about land ownership around the Pausdeen Bridge and whether KCC has the freehold

It is argued that infrastructure in the area is inadequate, in particular regarding traffic, road safety (road width) and playground provision.

It is argued that buildings of the proposed height are visually inappropriate in this area.

Submits that there has been no assessment of the impacts on fisheries on the Pausdeen waterway.

Denis Reeves of 10 Chelmsford

Flooding: States that some local residents cannot get flood insurance because of proximity to the Liffey and questions if this applies to the proposed development. Argues that the flooding report submitted with the application does not adequately address known flood risks for the site.

Notes that the sequential approach to flooding does not appear to have been applied - part of the site is within Flood Zone C.

Road Safety: Insufficient investigation into road safety issues with regard to access and works to the Pausdeen Bridge and the paths connecting to the site.

Archaeology: It is noted that the archaeological report recommended further investigations and monitoring.

Land ownership: Ambiguities around ambiguities about land ownership around the Pausdeen Bridge and whether KCC has the freehold

It is argued that infrastructure in the area is inadequate regarding traffic, road safety (road width) and playground provision.

It is argued that buildings of the proposed height are visually inappropriate in this area.

Linda and Cathal Earley of 30 Chelmsford Manor

States that they cannot get flood insurance – noted that the application site is at a lower level.

It is argued that there would be an unacceptable increase in traffic with consequent safety issues.

It is argued that the proposed design is inappropriate in the context of a rural area.

It is suggested that the potential pollution and ecological impacts of the proposed development have not been adequately addressed.

Brenda Saunders of 15 Chelmsford

Flooding: Argues that some local residents cannot get flood insurance because of proximity to the Liffey and questions if this applies to the new proposed development. Submits that the flooding report submitted with the application does not address known flood risks for the site. Notes that the sequential approach to flooding does not appear to have been applied as part of the site is within Flood Zone C.

Road Safety: Insufficient investigation into road safety issues with regard to access and works to the Pausdeen Bridge.

Archaeology: It is noted that the archaeological report recommended further monitoring and investigations.

Land ownership: Ambiguities around ambiguities about land ownership around the Pausdeen Bridge and whether KCC has the freehold

It is argued that infrastructure in the area is inadequate, in particular regarding traffic, road safety and playground provision.

It is argued that buildings of the proposed height are visually inappropriate.

Siobhan Kiernan of 1 Templemills Cottage

Flooding: States that some locals cannot get flood insurance because of proximity to the floodplain and questions if this applies to the new proposed development.

Argues that the flooding report submitted with the application does not adequately address known flood risks. Notes that the sequential approach to flooding does not appear to have been applied as part of the site is within Flood Zone C.

Road Safety: Insufficient investigation into road safety issues with regard to access and works to the Pausdeen Bridge.

Archaeology: It is noted that the archaeological report recommended further monitoring.

Land ownership: Ambiguities around ambiguities about land ownership around the Pausdeen Bridge and whether KCC has the freehold

It is argued that infrastructure in the area is inadequate regarding traffic, road safety (road width) and playground provision.

It is argued that buildings of the proposed height are visually inappropriate in this area.

Concern expressed at absence of a fisheries study of the Pausdeen.

Joseph Aherne of 32 Chelmsford

Flooding: States that some local residents cannot get flood insurance because of proximity to the Liffey. Argues that the flooding report submitted with the application does not adequately address known flood risks for the site. It is argued that there may be unidentified groundwater flooding on the site. Notes that the sequential approach to flooding does not appear to have been applied as part of the site is within Flood Zone C. It is also submitted that the maps for the area with the flood plan appear to be out of date.

Road Safety: Insufficient investigation into road safety issues with regard to access and works to the Pausdeen Bridge.

Archaeology: It is noted that the archaeological report recommended further investigations.

Land ownership: Ambiguities around ambiguities about land ownership around the Pausdeen Bridge and whether KCC has the freehold

It is argued that infrastructure in the area is inadequate, in particular regarding traffic, road safety (road width) and playground provision.

It is argued that buildings of the height proposed (3-storeys) are visually inappropriate in this area.

Concerns outlined about the impacts of the Pausdeen works on fishing and ecology.

Michael and Sabrina Reed of 5 Chelmsford

Flooding: States that some local residents cannot get flood insurance because of proximity to the floodplain and questions if this applies to the new proposed development. Argues that the flooding report submitted with the application does not adequately address known flood risks in the area.

Road Safety: Argues that there has been insufficient investigation into road safety issues with regard to access and works to the Pausdeen Bridge.

Archaeology: It is noted that the archaeological report recommended further monitoring and excavations.

Land ownership: Ambiguities around ambiguities about land ownership around the Pausdeen Bridge and whether KCC has the freehold

It is argued that infrastructure in the area is inadequate regarding traffic, road safety (road width) and playground provision.

It is argued that three storey buildings are visually inappropriate in this area.

Concern expressed at absence of a fisheries and spawning study of the Pausdeen.

Peter Donnelly of 4 Newtown

Objects for the reason that there is already extensive flooding at Newtown as a result of previous developments – also, that the proposed development would add to the existing heavy traffic flow.

Mark Derham of 9 Chelmsford

Flooding: States that some locals cannot get flood insurance because of proximity to the floodplain and questions if this applies to the new proposed development. Argues that the flooding report submitted with the application does not adequately address known flood risks.

Road Safety: Insufficient investigation into road safety issues regarding access and works to the Pausdeen Bridge.

Archaeology: It is noted that the archaeological report recommended further monitoring.

Land ownership: Ambiguities around ambiguities about land ownership around the Pausdeen Bridge and whether KCC has the freehold

It is argued that infrastructure in the area is inadequate regarding traffic, road safety (road width) and playground provision.

It is argued that buildings of the proposed height are visually inappropriate in this area.

Concern expressed at absence of a fisheries study of the Pausdeen.

5.0 Planning History

There are no previous planning applications or appeals relating to the appeal site.

There are a number of applications for planning permission for dwellings on the lands immediately north-east of the Pausdeen Bridge – all withdrawn or refused (18.441; 18/171; 18.441). There has been one appeal relating to a small residential development on a site on the opposite side of the road (**ABP-301873-18**), and the Board, on appeal, granted permission for a development of 58 no. residential dwellings on a site around 300 metres to the south-west (**ABP-319175-24**).

6.0 Policy Context

6.1. Development Plan

The site is within the Celbridge LAP 2017-2023 area. It is zoned 'C' for 'New Residential'. The boundary of the LAP area is to the south of the site. The houses east of the site are zoned 'B', "Existing residential//infill", the land immediately west is 'I' Agricultural', while the area north and along the Liffey bank is zoned as 'F2' – Strategic Open Space'.

6.2. Natural Heritage Designations

There are no designated EU habitats on or in immediate proximity to the site. There are 4 no. EU sites (**Rye Water Valley/Carton SAC** (001398); **Glenasmole Valley SAC** (0012109); **Red Bog SAC** (000397) and **Ballynafagh Bog SAC** (000391), within 15 km of the site. All were screened out apart from the Rye Water Valley/Carton SAC. The AA screening identified one as having some potential connectivity – the **Rye Water Valley/Carton SAC site code 001398**.

7.0 Assessment

Under the provisions of Section 177AE (6) of the Planning and Development Act 2000 (as amended), the Board is required, before making a decision, to consider the following:

- The likely consequences for the proper planning and sustainable development of the area,
- The likely effects on the environment, and
- The likely impacts on any European sites.

Before addressing the above, I will address some general points raised in the submissions. A number of local residents disputed the information in the submission regarding land ownership around Pausdeen Bridge, and whether the local authority has the authority to carry out the works. There is insufficient

evidence on file to come to a definitive conclusion on this, but I note that the local authority has sufficient powers to acquire these lands if necessary. Having specific regard to Section 34(13) of the 2000 Act, as amended, I consider that any ambiguity over ownership of lands around the bridge does not preclude the Board from making a decision on this application.

I further note a number of issues raised with regard to the boundary of the zoned lands and the requirements for EIA – I will address these in more detail in the relevant sections below.

7.1. The likely consequences for the proper planning and sustainable development of the area

7.1.1. Policy context

The proposed development is for public housing, and is presented within the context of national policy as laid out (not exclusively) under the following plans and policies:

National Planning Framework – Project 2040

This envisages a population increase in the country of up to 1 million by the end of the plan period and seeks to plan for the demands of growth. Specific objectives set out in Chapter 6 including planning for prioritising new homes at locations that can support sustainable development (Objective 22) and to increase residential density within existing development areas (Objective 35).

Housing for All – A New Housing Plan for Ireland, DoH LGH (September 2021).

Focuses on meeting the NPF objectives above by delivering more compact development within existing urban areas close to transport nodes and prioritising walking and cycling.

Sustainable Residential Development in Urban Areas 2009:

These guidelines encourage sustainable urban area and sets targets for higher net residential densities in the general range of 35-50 on zoned lands and that a variety of housing types should be encouraged. Related planning guidelines give further guidance on housing design and local traffic layouts.

I note that this guidance has, since the application for approval being made, been replaced by the **Sustainable Residential Development Compact Settlement Guidelines 2024.**

Eastern and Midlands Regional and Spatial Economic Strategy 2019

This regional plan sets out more detailed spatial planning policies within the context of the policies above. Chapter 3 sets out a settlement strategy for the region.

Celbridge is identified as part of the overall Dublin Metropolitan Area (Section 3.2) and is identified as part of the south western public transport corridor, with Dart expansion to Celbridge-Hazelhatch proposed. It is identified as a Level 3 settlement.

The Planning System and Flood Risk Management Guidelines 2009.

The site is adjacent to the Liffey and close to the floodplain of that river. The Guidelines sets out criteria for a Justification Test for lands which are potentially subject to flooding.

Celbridge Local Area Plan 2017-2023

The site is within the area of Kildare County Council, with zoning designations and specific policies for housing set out in the Celbridge Local Area Plan 2017-2023 (still the operative plan for the area). In the LAP the lands are zoned 'C' 'New Residential'. The adjoining lands are designated 'B' (Existing Residential / infill); 'F2' (Strategic Open Space) and 'I' (agricultural). The lands are not identified in the designated 'key development areas' (the closest is the Simmonstown RDA, around 0.5 km to the north-west of the site).

In areas zoned 'New Residential' 'Dwellings' are identified as 'Permitted in Principle' in the Land Use Zoning Matrix (Section 13.4). Chapter 6 on housing notes that the population of Celbridge has increased rapidly since the 1970's and is now over 20,000. Policy RD1 on Residential Development states that it is a policy of the Council to *'focus the majority of new housing in Celbridge within walking or cycling distance of a school cluster, the town centre, neighbourhood centre or transport routes'* (RDO1.4). With regard to detailed design issues, the LAP refers to development standards set out in the Kildare County Development Plan and in national policy (Policy objective RD2 refers to departmental guidelines as the key guidance).

A number of submissions questioned whether the red lined boundary of the site as submitted is entirely within the area zoned 'C' (new residential). This boundary appears to follow the transition between the low and higher risk flood zone areas. All the related plans are at different scales so a precise match is difficult to

determine, but I am satisfied that the boundaries generally match and that any minor discrepancies are *de minimis* and not relevant in planning terms, or in terms of the physical realities or ownership patterns of the land. I therefore conclude that the entirety of the proposed development (i.e. the red lined area) is fully within the zone 'C' area.

The site in question is located on agricultural land at the southern extent of the town, sandwiched between existing dwellings and the Liffey floodplain area (zoned for strategic greenspace, but at present grazing land). The land is mostly in use for cattle grazing. The dwelling on the site – what appears to be a late 19th or early 20th century bungalow, is derelict and appears to have been empty for many years. Most facilities in the area are located in or around the town centre, which is some 1.7km from the site. This is around a 20-25 minute walk along a single (occasionally very narrow) footpath. It is a 3km walk or drive from Hazelhatch and Celbridge railway station. Celbridge is quite well served by bus and railway to Dublin city centre and other towns in Dublin, Kildare and Offaly– most express buses run from the Main Street.

A number of submissions raised the need for a justification test for a residential use of the site (with specific regard to the Flooding Guidelines) and the appropriateness of a residential use on the lands. I will address the specific issue of flooding in section 7.1.2 below, but with regard to the principle of a residential use of the site this has been established through the Local Area Plan process and the overall density and mix of types is in accordance with LAP standards, the County Development Plan, and related national Guidelines, including the most recent 2024 Guidelines.

A primary issue raised in submissions is that the site, while within the zoned urban area of Celbridge, has quite poor connections to the town. There is no footpath adjoining the site (the associated infrastructural improvements are intended to partially improve this). The adjoining road is typical of a country road which has been incrementally improved over many years but would fall short of the standards for a new-built urban link road. The footpath, on the southeastern side provides a consistent link to the main bridge linking the area to the Main Street of Celbridge, but it is often quite narrow and necessitates occasionally pedestrians stepping on to the highway to allow others to pass. The adjoining road is not traffic calmed – the

speed limit is under 50kph up to the appeal site and increases to 60kph to the south – there are some road humps at this point, presumably to slow down traffic entering the urban area. There is no cyclepath between the site and the town centre. While the road is generally at moderate speed and acceptable for cyclists, it would be less than ideal for children cycling to the schools within the town, especially in winter. The proposed development includes for significant improvements close to the site, including the widening of the Pausdeen Bridge and the provision of a crossing point – although I note that the Road Safety Audit highlighted a number of issues that could be improved. The latter can be addressed by way of condition.

7.1.2. Flooding and drainage

The site is within a Flood Zone C area – a number of submissions dispute the characterisation set out in the Flood Risk Assessment (FRA), noting some ambiguity with the boundary of the higher flood risk area. A number of local residents made submissions arguing that the site is subject to groundwater and/or pluvial flooding and submitted photographs to back up this argument. They also claimed that a number of residents are unable to get flood insurance because of the proximity of the houses to the river.

I noted during my site visit that the site is relatively flat, with a distinct drop in levels around the boundary to the area immediately around the Liffey channel. The land is pasture, with no evidence of vegetation indicating high groundwater levels or persistent perched water or flooding. Older OS plans indicate that quite a lot of the lands in the area around the Pausdeen were drained, possibly in the 19th century – the Pausdeen itself seems to flow through a semi-natural channel. There are what may be drains criss-crossing the site on the oldest OS maps, but there are no indicators of these having been infilled or particularly deep from the geophysical report submitted. No ditches of this type were identified in the geophysical survey, so it seems probable that these were hedgerows or fences and there is no history of the construction of drainage ditches on the land.

One submission argued that there may have been some waste or other infilling of the site. The overall land is quite uneven, but I did not observe during my site visit any evidence of significant tipping, land raising or infill. I note that the geophysical

survey carried out for archaeological purposes did not find evidence of major subsurface changes.

Given the overall elevation of the site relative to the Liffey and the detail submitted with the Flood Risk Assessment, I am satisfied that the FRA submitted is accurate and that the lands are not within a high flood risk zone and that there is no evidence of a potential for groundwater flooding. I also note from the submitted engineering documentation that a SUDs approach will be taken to residential design – a number of specific issues on the design were highlighted by submissions, but I consider that these are relatively minor issues that can be dealt with by condition. I am satisfied from the information provided that the site is not subject to excessive levels of flooding and would not increase downstream flood risks. I note from the Flood Risk Management Guidelines that sites prone to flooding are subject to a justification test, but based on the FRR submitted, I am satisfied that a requirement for such a test does not apply.

With regard to drainage and the provision of water, the lands are served by the wastewater treatment system and the town water supply – the Engineering Services Report attached with the submission notes that improvements to both are underway and will be complete by the time the dwelling is completed, so there will be no impacts on the overall provision of water/wastewater services subject to the satisfactory completion of current upgrading schemes.

7.1.3. *Cultural heritage*

The existing dwelling on the site is not on the NIAH and is not a protected structure. There are no protected structures within immediate area, although there are a significant number of historic residential and industrial buildings between the site and the town centre arising from the towns historic importance as both a crossing point of the Liffey and the use of the river for the towns mills. The site is not within the visual envelope of any of the most important structures.

The existing dwelling is typical of a rural cottage of the late 19th century, although its date of construction is not clear. While ideally this house could be restored and re-used, having regard to its lack of historic importance and the quality of the replacement I consider that its removal is acceptable.

The proposal includes the widening of Pausdeen Bridge to improve pedestrian movements. The origin of this bridge is unclear from the information provided, but although it is a slightly humpbacked stone arch, it does not appear to be particularly old – most probably mid to late 19th century in date. The widening of the structure will not result in any major loss of historic fabric.

There are no recorded ancient monuments on the site, but the geophysical survey and subsequent investigative trenching identified one feature of interest – this is what appears to be an enclosure of unknown date or purpose in the southern side of the site – from the overall shape it is likely this encompassed quite a significant area to the south, but all other remains would have been long destroyed in the developments along the Pausdeen Road and in agricultural improvements. The possibility arises that further investigation during works may provide more information allowing the nature of this feature to be identified and possibly dated. I note from the submission from the DAU that it is considered that a condition ensuring monitoring of all excavations and possible further investigation of any features exposed would be acceptable. I would recommend a condition to this end.

7.1.4. Amenity and design

The overall design is for a mixed use development, up to 3-storeys in height with a density around 28 units per hectare. This is on the low side regarding the Sustainable Residential Planning Guidelines 2009 and the recently adopted Settlement Guidelines for Planning Authorities (January 2024), but I consider reasonable given the location at the very fringe of the urban area where the application a relatively low density is within policy guidelines. I note that with regard to the 2024 Guidelines the site would be in a location characteristic of a small/medium edge town (Table 3.6), whereby densities in the range of 25 to 24 dwellings per hectare (net) would generally be applied

The Design Statement submitted with the application provides a detailed outline of the design decisions made, along with several visualisations. The proposed development takes the form of a cul de sac, with an entrance extending from the existing farm entrance next to the derelict house. All parking is surface parking, with units both facing the main road on either side of the new entrance or facing a triangular area of shaped space within the lands. The design includes 22 houses

(three distinct types) and 17 no apartments, of which 10 are duplex. Although not part of the application, the adjoining lands are within the ownership of Kildare County Council and are identified in the LAP as part of an overall open space amenity along the Liffey. The centre of the proposed development includes an open area of grassland, albeit one bounded by on-street parking – there is an average of 1.5 car parking spaces per unit. Although not specifically referred to in the Design Brief, the layout generally follows the recommendations of the Design Manual for Urban Roads and Streets (DMURS). I note a number of road safety design issues highlighted in the Road Safety Audit Parts 1 and 2 – I consider these to be generally minor and can be addressed through condition.

A number of submissions raised concerns over the height of the apartment blocks – up to 3 storeys tall. The local area is characterised mostly by older bungalows and 2 storey dwellings along the main road and within the more modern estates on the eastern side of the road. There are larger buildings further north along the Liffey, mostly older buildings associated with the mills which were once of central importance to the towns economy. There are also several large modern agricultural buildings in the wider area to the south. The proposed 3-storey blocks are to the rear of the site and behind the existing line of bungalows on the main road. I do not consider that they would be anything but intermittently visible from the main road and in general fit into the overall somewhat haphazard visual pattern of development in the area. From the perspective of the future amenity lands along the Liffey, they will be somewhat dominating, and they do not present a particularly coherent composition from this direction, but as the landscaping matures, the impact will soften, and I would conclude that the overall visual impact on the landscape of the area is acceptable.

One submission expressed concerns at the proposals for boundary walling to the neighbouring farm building and the orientation of the proposed units to the farm complex to the south. The plans and the Design Statement state that boundaries with adjoining properties will be 1.8 metre block wall. I consider this to be acceptable. I note the concerns about overlooking but having regard to the separation distance between upper floor rooms and the existing dwellings along the road (including the farmhouse), I consider that there would not be an unacceptable

level of overlooking or loss of privacy, or impact on the internal amenities of those existing properties.

The proposed units are generally aligned in a manner to maximise solar gain and in terms of private open space and internal amenities conform to existing guidelines and the specific development standards set out in the Development Plan and LAP. The relatively low density has allowed for a generous provision of private and public open space for this type of development and separation distances between windows is at or above minimum standards. I would conclude that the overall design is of a good quality and will provide a high level of amenity to the future occupants and that all quantitative minimum targets for private and public open space as set out in the County Development Plan and Local Area Plan have been met.

7.1.5. Traffic

The submissions to the application raised a number of concerns over traffic and pedestrian safety, most notably the proposed widening of the pedestrian access to the bridge and ambiguity over the proposed crossing point for pedestrians.

As I have noted above, the overall accessibility of the site is less than ideal. The footpath to Celbridge town centre and to Hazelhatch is quite narrow and the road is less than ideal for cyclists. The absence of a consistent footpath on the north-western side of the road from the site to the junction with the main bridge at Celbridge is a concern. Notwithstanding this, having regard to the overall nature of the area I consider that the site can be accessed safely. It is located north of the entrance to the urban area, which is marked by a number of traffic calming measures, and I consider that the provision of a crossing point will emphasis to drivers that they are entering an urban area and should respect the slower speed limits. The bridge works and the crossing point should create an adequate safe access to residents to the footpath network, and the overall entrance is appropriate in terms of sightlines and general alignment.

The proposed dwellings are to be provided with cycle parking in line with development plan requirements and an average of 1.5 parking spaces per apartment unit and 2 per dwelling, in line with the development standards in the development plan. The works to the Pausdeen Bridge, along with associated works to the entrance and footpaths at the entrance, are intended to facilitate safe

pedestrian access to the site, which would necessitate the future residents crossing the road to access the footpath towards Celbridge.

I note the Road Safety Audit highlighted a number of issues, all of which I consider to be relatively minor in nature – these include tightening the radii at the main entrance and providing more detail on the proposed crossing point of the main road. I consider that these can be addressed by way of condition.

In other regards, the Engineering Report and associated documentation indicate that access to the site for cars, emergency vehicles, and waste collection vehicles can be achieved safely. There is some traffic calming to the south of the site, indicating the perceived entry point to the town and the reduced speed limit area. While ideally a more definitive edge to encourage lower traffic speeds would be ideal south of the site, I consider this to be an issue for the local authority and the current proposals, subject to conditions to address the issues highlighted in the Road Safety Audit, can be addressed satisfactorily.

7.1.6. Conclusions

In terms of overall national settlement strategy and the specific zoning with related policies set out in the LAP, the site is suitable for a moderate density residential use, and I consider that it would be in conformance with all published policy and guidelines for amenity and design, subject to a number of minor changes to the road layout as identified in the Road Safety Audits (1 and 2). I recommend that this can be addressed by way of condition.

I would note and acknowledge that pedestrian and cycling links to the town centre, local schools and Hazelhatch railway stations are less than ideal due to the generally poor standard of the pavement and the absence of specific cycling provision, but the having specific regard to the zoning designation, related policy objectives, and its location within the urban area of Celbridge, I would conclude that the likely consequences for the proper planning and sustainable development of the area as set out within the statutory plan framework are broadly positive.

In particular, the provision of good quality social housing within the fast growing town in an area subject to ongoing improvements will allow for the overall strategic policy objectives of the NPF, Regional Policy Guidelines, and the CDP/LAP to be achieved.

7.2. The likely effects on the environment

7.2.1. EIA

EIA Screening

An EIA Screening Report was submitted by Kildare County Council in support of the application, in which it was concluded that there is no real likelihood of significant effects on the environment arising from the proposed development and that an EIA Report is not required in respect of the proposed development.

The following matters are considered relevant in the assessment of whether the submission of an EIA Report is required:

- Assessment of project type/class of development under Schedule 5 of the Regulations, relevant to the proposed development.
- Assessment of relevant thresholds under Part 2 of Schedule 5 of the Regulations.
- Assessment of proposed development including its likely effects on the environment

Project Types / Class of Development

The applicant in their submissions have indicated the classes in Schedule 5 within which the development is considered to fall, including:

- Schedule 5, Part 2, Class 10 (b) (i) Dwelling Units Plants (more than 500)
- Schedule 5, Part 2, Class 10 (b) (iv) Urban Development (greater than 10 ha)

In addition to those categories listed above, the following is considered for completeness.

- Schedule 5, Part 2, Class 10 (b) (ii) Car Parking (more than 400 spaces)
- Schedule 5, Part 2, Class 14 Works of Demolition • Schedule 5, Part 2, Class 15 'Sub-Threshold' Projects.

Having reviewed the details of the proposed development, the relevant legislation and guidance, and the documentation on file, it is considered that all the above classes of development may be applicable.

Project Thresholds

As set out above, it is considered that the proposed development is of a class for the purposes of EIA. However, it is well below any the specific thresholds. In this

instance the proposed development is on a site of 1.4 ha and includes for 39 no. dwelling units and 70 no. parking spaces. It is therefore 'subthreshold', and a mandatory EIA is not required. In such instances where the development is 'subthreshold', an assessment should be made against the criteria for determining whether development listed in Part 2 of Schedule 5 which are set out in Schedule 7 of the Regulations.

Assessment of the Characteristics, location and potential impacts

The site is on zoned land which has been subject to SEA and AA, and it was concluded in the SEA that its implementation would not result in significant effects on the environment. The lands are agricultural in nature, mostly improved grassland, as while it has ecological value, there are no specific species or habitats on the site that are untypical of such farmland. There are several permissions in the area for residential developments, but none of a scale or nature that I would consider would result in cumulative or additional impacts. I note that the applicant has submitted a significant number of specific reports into key aspects of the environmental impacts of the proposal, all of which I consider to be in line with accepted guidelines and provide sufficient information for a conclusion as to the overall impacts of the proposal. I note from the submitted ecology reports that there is no evidence of bats, badgers, or other protected species on the site and I am satisfied from my site visit that there is no obvious evidence of species being present that were not identified in the surveys.

Having regard to the nature and scale of the proposed development and the nature of the area, the anticipated short, medium and long term environmental impacts would not be of a nature beyond normal for residential works. The implementation of standard best practice methodologies during the construction and operational phase of the proposed development will result in the minimisation of unavoidable impacts such as the loss of habitat. Construction impacts will be of relatively short duration and limited frequency. There are no proposed developments within the vicinity that could result in unacceptable cumulative or indirect effects. In coming to this conclusion, I have had regard to any alterations that may arise as a result of conditions I will recommend to the board below.

Conclusion

I therefore conclude on the basis of:

- The Screening Report submitted by the applicant;
- Other technical reports submitted as part of the application;
- The characteristics of the proposed development
- The location of the proposed development
- The types, characteristics and scale of potential impacts

That it is unlikely that there would be significant effects on the environment arising from the proposed development. I therefore concur with the conclusion of Kildare County Council in its Screening Report that an EIA is not therefore required in respect of the proposed development.

7.2.2. Biodiversity

Notwithstanding the issues addressed in the Appropriate Assessment below, the applicant submitted an Ecological Impact Assessment Report, which included a survey of existing habitats on and in the vicinity of the site. A field study was carried out in July/August 2021. A desk study identified designated habitats within 15km of the site. A desk study was used to identify the possible use of the site for bats – no suitable roosting site was identified – none were detected in or around the house.

The field survey indicated that the site at the time of the survey was primarily agricultural improved grassland with hedges, some scrub and treelines. There were also some ornamental and non-native scrub around the dwelling house. A small area of spoil was identified. The report concluded that the proposed works would not result in any significant impact on the flora and fauna in the existing environment.

The lands at the time of my site visit were in use for beef cattle grazing. The former garden around the empty dwelling is heavily overgrown with mostly ornamental shrubs and trees and the boundaries with the other properties a mix of ornamental and native hedge species. There is a treeline along the Liffey (within the Council landholding, but not the application site). The area next to Pausdeen Bridge which is identified for works is part of a garden, with ornamental species planted on the eastern side – the western side is mature trees. The proposed works at this point

should have minimal direct impact on any habitats, but adherence to good practice methodologies during construction is required to prevent any impact on the Pausdeen stream by way of vegetation disturbance or sediment run-off. At this point, the stream is a slow-moving watercourse running through a semi-natural channel, eventually discharging to the Liffey.

The Ecology Report addressed existing flora, fauna and invertebrates, in addition to carrying out a specific bat survey. No evidence of bats was found on the site or in the derelict house, but the overall area (including the Liffey) is potentially a foraging habitat for bats.

The report concluded that there would be slight negative impacts arising from the loss of habitats during construction and the loss of land to housing and hard cover. Standard mitigation measures were proposed to ensure that any potential negative impact on watercourses is kept to an absolute minimum.

The report concludes that the proposed development would not have any significant effect on any habitats of international, national, county or local value, subject to the best practice measures outlined in the submission documents.

A number of submissions raised concerns about the impact of works to the Pausdeen Bridge on spawning beds on the Liffey and tributaries. There are no records indicating that there are spawning beds downstream of the stream and its meeting with the Liffey. The stream at this point is slow flowing with visible poor water quality. Any run-off from the works would eventually discharge to the Liffey at a point upstream of the 19th Century mills and the ESB Golden Falls Dam at Leixlip. As the works are relatively minor in nature and do not directly impact upon the channel, I am satisfied that with the use of standard best practice construction methodology there would be no direct or indirect impact on any vertebrate or invertebrate species or associated habitats on the Pausdeen/Liffey.

In addition to the issue of spawning beds, a number of submissions referred to potential badger setts on the site, and the possibility of the derelict house being used as a bat roost. I am satisfied that at the time of the ecological survey there is no evidence of these species on the site, but having regard to the nature of the area, I would recommend conditions specifically relating to the protection and/or removal of these species if they are found on the site prior to the commencement of works.

I would conclude that while there is an obvious loss of improved grassland habitat, and there will be localised impacts during construction, the overall proposed development would not have significant impacts on biodiversity in the longer term. The site has low ecological significance and the planting and reinforcing of hedgerows will mitigate the loss of existing habitat. The use of best practice methodologies during construction and application of SuDs design methodology to the final development will ensure that any off-site impacts by way of water run off will be minimal.

7.2.3. Noise, dust, etc.

The applicants submitted a Preliminary Construction Environmental and Demolition Waste Management Plan. This preliminary CDWMP outlines standard measures for addressing construction waste and minimising amenity and environmental impacts during construction works. It is proposed to use silt traps on drains to prevent run-off to the Liffey. The proposals include measures to control impacts from works to the Pausdeen bridge.

The CDWMP provides general standard mitigation measures for the works such as timing works to avoid periods of high rain, protecting watercourses from accidental spillages, etc. Works are to take place during standard daytime working hours. A specific traffic management plan would be required both for the site access and to ensure safety during works to the bridge.

The CDWMP provides adequate standard best practice measures, I consider that this is acceptable as a 'preliminary' methodology, but I would recommend a condition such that a more site-specific management plan be submitted for approval prior to the works commencing.

7.2.4. Appropriate Assessment.

The AA Stage 1 Screening Report describes the proposed development, its receiving environment and relevant European Sites in the zone of influence of the development. No habitats or species listed as qualifying interests for any nearby European Sites or corresponding with Annex I are identified on or very close to the

site. The proposed development is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on any European sites. The AA Screening Report considers European sites within a 15 km range. This Zone of Influence was established based on the extent at which potential impacts may be carried via identified pathways (i.e., watercourses, Groundwater).

Having regard to the nature of the proposed development, the nature of the receiving environment and the source-pathway-receptor model it is considered that this is a reasonable Zone of Influence. I note that the site is within the catchment area of the Liffey, which flows into Dublin Bay with a number of estuarine designated sites, but due to the distance from the bay and that the river flows into the reservoir of the Golden Falls dam at Leixlip before discharging to the bay, I conclude that it is reasonable on the basis of the model above not to include these designated sites in the formal screening.

The four sites identified within the Screening as being within the Zone of Influence are as follows (with the screening conclusion).

Site	Qualifying interests	Distance	Receptor/ connection	Screening conclusion
Rye Water Valley/Carton SAC 001398	Petrifying springs with tufa <i>Vertigo angustior</i> <i>Vertigo moulinsiana</i>	5.6km	Indirect hydrological connection.	Yes
Glenasmole Valley SAC; 001209	Dry grasslands on calcareous substrates Molina meadows Petrifying springs with tufa	14km	None.	No

Red Bog SAC 000397	Transition mire and quaking bogs	14km	None	No
Ballynafagh Bog SAC 000391	Raised bogs	14km	None	No

The Rye Water Valley is located between Maynooth and Leixlip and extends along the River Rye for around 7km before it meets the Liffey downstream of Celbridge. Its qualifying interests relate to its petrifying springs and two snail species associated with unpolluted freshwater habitats with the conservation objectives to maintain or restore the favourable conservation condition of the Annex I habitat and the Annex II species. The potential pressure and threats to this SAC were identified as fertilisation, continuous urbanisation, the modification of inland water courses, and the removal of hedges and copses or scrub.

The Screening identified a potential connection with the Rye Water Valley via flood risk. The Rye joins the Liffey downstream of Celbridge, but is stated to be potentially impacted upon directly via floodwaters from the Liffey, and hence the Screening identified the construction phase has having the possibility of impacting the Rye during the construction phase or via active drainage. I would consider this risk to be exceptionally slight due to the separation distance and lack of direct groundwater or surface water linkages, and not least because the 14 metre high ESB dam at Leixlip lies between the site and the Rye River. It would take a very extreme case for there to be any quantifiable impact. Notwithstanding this, having regard to the high standard of evidence required to screen out projects for such works I would concur with the recommendation that an NIS is required for this reason.

The other three EU designated sites within 15km – Glenasmole Valley, Red Bog and Ballnafanagh Bog, are not within the hydraulic catchment of the site – all three are designated for wetland (raised bog/mire) or grassland habitats with the conservation objectives to maintain or restore the favourable conservation condition of these habitats. There are no pathways for direct or indirect impacts as they are not in hydraulic continuity with the site, and the separation distance rules out any possibility of an impact by way of water run-off or pollution, habitat loss, or any other pathway

for pollution or impact, including with any other known project or plan or combination of elements. I further note that there are no vertebrate or invertebrate species associated with these sites that could potentially use the application site for roosting or feeding.

The Screening concluded that:

'It is not considered that the proposed development will have any significant direct impacts/effects on the Rye Water Valley/Cartron SAC, in combination with the other plans or projects in the area (outlined in Section 2.3 of this report). However, there is potential for indirect significant impacts/effects, due to the potential for surface water runoff during the construction phase and operational phase and the removal of existing stone parapet/construction of the pedestrian bridge over the Pausdeen stream, both ecological pathways are connected (via the flood risk area, via the River Liffey) to the Rye Water Valley/Cartron SAC, resulting in the water quality deterioration of the associated habitats'.

On this basis, an NIS (Stage 2 AA) was recommended.

On consideration of the three European sites identified (Glenasmole Valley, Red Bog, Ballynafagh Bog) and the source-pathway-receptor model which indicates any potential or meaningful connectivity between those sites and the proposed development, it is reasonable to conclude, on the basis of information on the file, that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on the following three sites:

1. Glenasmole Valley SAC (001209)
2. Red Bog SAC (000397)
3. Ballynafagh Bog (000391)

I am satisfied that these three sites can be screened out because there is no meaningful biological or hydrological connectivity to these sites and given the separation of the proposed development from these sites and that these sites have habitats specific to the hydrogeological characteristics of those sites, any potential

for impact to arise from the construction and operational phase of the proposed housing is unlikely.

While I would consider any potential impact from surface water run-off to be unlikely for the reasons I have outlined above, I concur with the conclusion that due to the potential pathway for water pollution impact on the conservation objectives for the three Qualifying Interests of the Rye Water/Carton Valley SAC (001398), it cannot be excluded, on the basis of information before the Board, that the proposed development, individually or in combination with other plans or projects, would not have a significant effect on this site.

Therefore, it is determined that a stage 2 AA of the proposed development is required. This conclusion is consistent with the documentation submitted by Kildare County Council.

No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

7.2.5. Natura Impact Statement

Potential adverse effects

The proposed development is not directly connected with or necessary to the management of any EU sites in the surrounding area. Adverse effects have been screened out for all but one European Site in the area, the Rye Water Valley / Carton SAC (site code 001398). This SAC was screened in based on the potential significant effect from surface water runoff during the construction and operational phase of the housing development and the removal of the stone parapet/construction of the pedestrian bridge, due to the connected ecological pathway during flooding (i.e. when flood waters in the Liffey could potentially impact on its tributary, the Rye). The Rye Water Valley/Carton SAC is a riverine habitat running from Maynooth to just west of Leixlip, incorporating a number of springs in the Louisa Bridge area (where the Grand Canal and railway crosses over the river on an aqua/viaduct), and runs through a series of ponds within the demesne. Its qualifying interests are as follows:

Petrifying springs with tufa formation (Cratoneurion)

Vertigo Angustior (Narrow-mouthed Whorl Snail)

Vertigo moulinsiana (Desmoulin's Whorl Snail).

The latter two species are very small snails (usually less than 3mm length shells) associated with river edge habitats, particularly calcareous wetlands. They have been identified at one point within the designated SAC, near Louisa Bridge.

The conservation objective for the petrifying springs, which are located in an area on both sides of the Grand Canal aqueduct northwest of Leixlip is to '*restore the favourable conservation condition of Petrifying springs with tufa formation (Cratoneurion)*.' These springs were heavily modified in the early and mid 19th Century during the construction of the two viaducts for the canal and railway. There was formerly a 'warm spring' on the lands which was a popular tourist destination. At present, the area is characterised by springs fed by at least two chemically distinct springs resulting in a complex of tufa forming springs, flushes and pools, with associated flora.

Both snail species have also been identified in the Louisa Bridge area. The conservation objective is to maintain the favourable conservation condition of both these species. It is noted that they seem very restricted to distinct vegetation bands and so could be vulnerable to vegetation or chemical changes in the area. These two species and the habitat are most vulnerable to groundwater disturbance or localised habitat removal. They would generally be tolerant of inundation in occasional flooding events.

Potential in-combination effects

The NIS identified nine permitted projects in the immediate vicinity of the area which have been granted planning permission – all these are relatively minor, small scale schemes. In the wider Liffey Catchment, there are a significant number of permitted residential and commercial schemes underway, mostly on zoned lands within Celbridge and Leixlip. These are not directly connected with the proposed development. I have checked available data bases for recent grants of permission for large scale developments within the overall catchment – those which may proceed within the timescale of the proposed development would have been subject to SEA and AA of plans (all are on zoned lands) and/or separate AA as appropriate. I would therefore concur with the conclusion of the NIS that there are no potentially significant cumulative and/or in-combination pollution disturbance, displacement or habitat loss effects on any qualifying of any EU site identified.

Mitigation measures

The NIS and associated documents, particularly the preliminary CEMP, include a series of mitigation measures to minimise the adverse effects of the construction and operation of the proposed dwellings and the bridge works. All these are standard mitigation measures for such works – there are no site specific or design specific issues which require non-standard mitigations. Key elements include:

- The establishment of fencing to ensure all works within the site do not trespass on the area next to the Liffey.
- The use of silt traps on any possible source of run-off to the river.
- Placing sedimats west of the pedestrian bridge on the Pausdeen during construction to ensure no accidental sediment releases reach the main channel.
- Timing of construction work outside the salmon and trout season.
- All refuelling to be carried on off-site.
- Appropriate measures to control demolition waste and other arisings.
- With regard to the final development, all wastewaters will be discharged to the public sewer, which will not be permitted without the full agreement of Irish Water.
- A SuDs approach to design will reduce rainwater run-off to the river and prevent incremental siltation of the watercourse.

Residual effects

No residual effects have been identified. The proposed development does not involve any novel or unusual features that may result in unexpected or residual impacts above and beyond those expected for a residential development or for minor bridge works.

Conclusion

The proposed development of 39 residential units in addition to works to a bridge will not have a significant effect on the Rye Water Valley /Carton SAC site code 001398

or any other European sites. Following the submission of an NIS and on the basis of my site visit and assessment of all available file information and resources, I am satisfied that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the Rye Water Valley /Carton SAC site code 001398 or any other European site, in view of these sites Conservation Objectives. My conclusion is based on a complete assessment of all aspects of the proposed development and there is no reasonable scientific doubt as to the absence of adverse effects.

In this respect, I have had specific regard to the following:

- The relatively small scale of the proposed works on the main site and on Pausdeen Bridge.
- The location of the site on serviced lands within the established urban bounds of Celbridge.
- The relatively robust receiving environment in an agricultural area and along a section of river with a long history of engineering interventions.
- The distance between the site and any designated EU habitats with either no pathway for pollution or other impacts, or very limited possibility for impacts.
- The presence of the key habitats specified in the qualifying interests of the Rye River site upstream of the Liffey.
- The mitigation measures set out to prevent water run-off from the site and bridge to the main river and the overall measures set out in the preliminary Construction and Environmental Management Plan.

8.0 Recommendation

I recommend that the Board approve the proposed development for the reasons and considerations set out in Section 9 and the conditions set out below.

9.0 Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- a) The EU Habitats Directive (92/43/EEC);
- b) The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site;
- c) The conservation objectives, qualifying interests, and special conservation interests for the Rye Water Valley / Carton SAC site code 001398;
- d) The policies and objectives of the Kildare County Development Plan 2023-2029 and the Celbridge Local Area Plan 2017-2023;
- e) The nature and extent of the proposed works as set out in the application for approval;
- f) The information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement;
- g) The submissions received in relation to the proposed development, and the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment: Stage 1

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspectors report that the Rye Water Valley / Carton SAC site code 001398 is the only European Site in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submission and observations on file, and the Inspectors assessment.

The Board completed an appropriate assessment of the implications of the proposed development for the affected European sites, namely the Rye Water Valley / Carton SAC site code 001398, in view of the Sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- The likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- The mitigation measures which are included as part of the current proposal, and
- The conservation objectives for the European Site.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the Sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the Sites' conservation objectives and there is no reasonable scientific doubt remaining as to the absence of such effects.

Proper Planning and Sustainable Development and the Likely effects on the environment:

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area, would not constitute a traffic hazard and would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and the preliminary CEMP submitted with the application and demonstration of proposals to adhere to best practice and protocols.

The CEMP shall include:

- a) Location of the site and material compounds including areas identified for the storage of construction waste,
- b) Location of areas for construction site offices and staff facilities,
- c) Intended construction practice for the development, including hours of working and the season of works to the bridge (to avoid any impacts on spawning salmon or trout),
- d) Means to ensure that surface water run-off is controlled in line with a Sediment Control Plan, such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses,
- e) Containment of all construction related fuel and oil within specifically constructed bunds to ensure that fuel spillages are fully contained,
- f) The management of construction traffic and off-site disposal of construction waste,

- g) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- h) Specific measures as to how the measures outlined in the CEMP will be measured and monitored for effectiveness, and
- i) A record of daily checks that the works are being undertaken in accordance with the CEMP shall be maintained on file as part of the public record.

Reason: In the interest of protecting the environment, and in the interest of public health.

3. The local authority shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

Employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:

The nature and location of archaeological material on the site, and

The impact of the proposed development on such archaeological material.

Complete a detailed archaeological excavation informed by additional test excavation across the whole phase of works to be completed prior to any construction starting on site. In addition, an updated Archaeological Impact Assessment should be completed.

Complete a report, containing the results of the above assessments, regarding any further archaeological requirements (including, if necessary, archaeological excavation). This report shall then be submitted to the Department of Housing, Local Government and Heritage within any proposals agreed prior to commencement of construction works. Following this the local authority will provide suitable arrangements acceptable to the Department of Housing, Local Government and Heritage for the recording

and removal of any archaeological material which it is considered appropriate to move.

Reason: In order to conserve the archaeological heritage of the site and secure the preservation (in situ or by record) and protection of any archaeological remains that may exist within the site.

4. The internal road network serving the proposed development, including turning bays, junctions, sightlines, pedestrian routes, footpaths, and kerbs shall comply in all respects with the provisions of the Design Manual for Urban Roads and Streets.

Reason: In the interest of pedestrian and traffic safety and in order to comply with national policy in this regard.

5. The landscaping scheme submitted in the Design Masterplan, Design Report, and associated plans, shall be carried out in the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species.

Reason: In the interest of residential and visual amenity.

6. The dwelling units shall not be occupied until Irish Water confirms in writing that adequate capacity exists in the local wastewater system for all wastewater arising from the proposed development.

Reason: In the interest of orderly development and the control of pollution.

7. The dwelling units shall not be occupied until a controlled crossing point has been provided between the site entrance and the footpath on the south-eastern side of the Pausdeen Road.

Reason: In the interest of traffic safety.

8. A suitably qualified Ecological Clerk of Works shall be retained by the local authority to oversee pre-commencement surveys, site clearance,

demolition of the dwelling, and construction of the proposed development. The ecologist shall have full access to the site as required and shall oversee the implementation of mitigation measures. Upon completion of works, an ecological report of the site works shall be prepared by the appointed Ecological Clerk of Works to be kept on file as part of the public record.

Reason: In the interest of biodiversity and the protection of European Sites.

9. Where an existing badger sett if identified will be disturbed or destroyed, an artificial sett shall be constructed beforehand and the badgers relocated thereto. Details of any such artificial setts shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interest of wildlife protection.

10. Prior to the commencement of demolition works to the dwelling on the site, a final survey shall take place to identify any possible bat roosts. If such roosts are found, detailed measures in relation to the protection of these bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under license from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

Philip Davis
Planning Inspector

29th July 2024