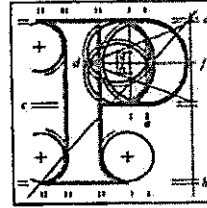


Our Case Number: ABP-317767-23



**An
Bord
Pleanála**

Linda O'Donnell
25 Chelmsford
Celbridge
Co. Kildare

Date: 29 September 2023

Re: Proposed construction of 39 residential units, widening of Pausdeen Bridge and all associated site works.
Newtown/Ardclough Road, Newtown, Celbridge, Co. Kildare.

Dear Sir / Madam,

An Bord Pleanála has received your recent submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter.

Please be advised that there is no fee for making a submission in relation to an application received under s.177AE of the Planning and Development Act, 2000, as amended. Accordingly, a refund for the €20 that you have paid will issue under separate cover in due course.

Please note that the proposed development shall not be carried out unless the Board has approved it with or without modifications.

If you have any queries in relation to the matter please contact the undersigned officer of the Board at laps@pleanala.ie

Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Eimear Reilly
Executive Officer
Direct Line: 01-8737184

AA02

Tel	Tel	(01) 858 8100
Glaó Áitúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

Tom odonnell
tom_odonnell_99@yahoo.com

From: Tom odonnell tom_odonnell_99@yahoo.com
Sent: Tue, 26 Sep 2023 10:54:30 +0000
To: celbridge.bw@printspots.com
Subject: Fw: Proposed construction of 39 residential units, widening of Pausdeen...

Sent from Yahoo Mail on Android

AN BORD PLEANÁLA	
LDG-	<u>066742-23</u>
ABP-	_____
27 SEP 2023	
Fee: €	<u>20.00</u> Type: <u>DRAFT</u>
Time:	_____ By: <u>REG POST</u>

 Forwarded message _____
From: "Tom odonnell" <tom_odonnell_99@yahoo.com>
To: "Tom odonnell" <tom_odonnell_99@yahoo.com>
Sent: Tue, 26 Sep 2023 at 9:07
Subject: Proposed construction of 39 residential units, widening of Pausdeen...
 Proposed construction of 39 residential units, widening of Pausdeen Bridge and all associated site works at Newtown/Ardclough Road, Newtown, Celbridge, Co. Kildare - Section 177AE of the Planning and Development Act 2000 (as amended)

Bord Pleanála Case reference: JP09.317767 Newtown/Ardclough Road,

I wish to make the follow observations to the above proposal put in by Kildare County Council . Some if not all my observations are based on the non adherence to the core strategies included in the documents listed below ,
 Celbridge Local Area plan 2017-2023

Planning Act Amended 2020

Guidelines for Planning Authorities
 Prepared by the Department of Housing, Local Government and Heritage . June 2022

Design

What part of a three story apartment block blends with existing single and two story houses on this road . Kildare County Council are the only owners of a property more than two stories high on this road. Regardless of where these apartments are located on a site this sets a precedent for multi-storey dwellings.

Is this site in keeping with a sequential approach to the zoning of lands for new residential development whereby lands spatially closest to the town core and public transport facilities are prioritised as provided for in the Development Plans Guidelines (2007).?

Water

Connections for water and waste water
 Report from an Uisce states

There are significant wastewater capacity constraints in this area , connections to waste water site would be dependant on work that has a completion date for Q4 2024 and Q4 for 2025.

Is this work on schedule?

Heritage Environment

Heritage is one of the core strategy in the Celbridge LAP
Archeological Report

In the Design Statement under Archeology

The Archer report 2021 is quoted.

The geophysical report is mentioned and quoted from but there is no reference to the Archer Report May 2022

This is quite misleading as this is the most recent and relevant and was completed after the geophysical study .

This report states the negative archeological impact this development will have .

The Archer report May2022 states and I quote

“It is concluded that the recorded archaeological remains are of moderate-high significance. The proposed development will comprise of the construction of residential houses and associated services with associated soft and hard landscaping. Consequently, there will be significant groundworks. *The impact of these groundworks on the recorded archaeological remains at the site will be direct, negative and permanent.*

7. RECOMMENDATIONS

The following recommendations are offered to mitigate the effects of development on the archaeology.

1. It is recommended that should development proceed at this location, this should be preceded by full archaeological excavation of the recorded archaeological features under licence to the DHLGH
2. Groundworks across the remainder of the site should be monitored by a suitably qualified archeologist

NOTE

: All conclusions and recommendations expressed in this report are subject to the approval of The Department of Housing, Local Government and Heritage (DHLGH) and the relevant local authorities. As the statutory body responsible for the protection of Ireland’s archaeological and cultural heritage resource, the DHLGH may issue alternative or additional recommendations.

What is the response from the DHLGH?

**Celbridge LAP states under the heading
Archeology and Heritage**

The Council will consult with the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs and other statutory consultees when considering applications for planning permission.

The response from this department is not included in the submitted documents.?

I have contacted the office of Catherine Martin minister for the above to seek further information.

Connectivity

Nearest school 1.9 kilometres as per maps

Nearest shop 1.9 kilometres

No public transport link to the village no plan for one

Adaptability

Stated in the Design plan ,homes are designed to be adaptable for families to elderly to special needs as people needs change .

This location will provide total isolation for anyone who doesn’t drive or has reduced mobility due to age or disability as there is no public bus service .

A distance of two kilometre both ways to the village to access a shop ,post office a

church ,chemist or general practitioner on foot is hardly a realistic distance.
The road has a single path already overwhelmed before mobility scooter or wheelchairs is added

Closest girl school is 1.9 kilometers

a journey of 7.6 kilometres for a parent 3.8 for the child.

Boys school or integrated school is 2.5 kilometres

This site is in opposition to the Local Area plan for Celbridge to encourage cycling walking versus car

Inclusivity

No inclusivity as this development is 100% social housing with no provision made for social and private integration . The second public housing initiative in the Simmonstown / Ardclough area with no integration .

This is not in keeping with our document

Roadmap for Social Inclusion 2020-2025

Road Safety

Bruton report on road safety confines itself to entry and exiting the proposed site ,beyond this very little consideration is given in relation to the bigger picture of road safety or usage . They used a traffic accident report that covers up to 2016 currently 7 years out of date.

Celbridge LAP RDO1.5:

"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."

As a road user this is the reality

Under the section Adaptability I have already stated the distances primary school children would have to travel to get to and from school.

Single footpath is all that is available for footfall bicycles ,buggies and prams and mobility scooters .

Road is not suitable for children to cycle to school.

Subsequently children that do are using the single footpath for cycling.

Single footpath does not allow for walking facing oncoming traffic . This proposal goes against our Hse guidelines on safety for our children on the roads.

Parents will be left with no choice but to drive children to school .

The single footpath is not on the side of the estate and currently the need for three different crossing is proposed by the Bruton report to get pedestrian traffic to the estate.

Planning was refused by An Bord Pleanala on the proposal ref no.184081,now Hill Rock on road safety issues.

"The basis for the refusal of permission issued by the Planning Authority relates to the impact that the additional vehicular and pedestrian traffic generated by the development would have on a narrow road with inadequate footpaths connecting the development to Celbridge and would be such as to endanger public safety by reason of the creation of a traffic hazard.

This refusal was overturned on the grounds of the objective stated in the LAP for Celbridge 2018

MTO3.14: c

Improve and widen Newtown Road as part of the development of KDA 5.

This LAP was published in 2018 I am awaiting further information from Kildare coco to see

how much this objective has moved to the planning stage or does it continue to be at the vision stage .

It was already stated by An Bord Pleanala

The land needed to do this is not in the control of the local authority and therefore will be complicated by third party ownership.

**We now have a second development of houses but no advancement or upgrade of the road .
Celbridge LAP states :**

**The phasing of housing developments is to allow for infrastructure to meet the demand .
Taking into account both developments owned by Kildare County Council this will put an extra 187 cars on this road (based on their own figures)**

It has already been stated by An Bord Pleanala that the previous development was premature to the road works.

Environmental

Inland Fisheries report not submitted in the proposal .

Widening of the bridge and culverting of the Pausdeen stream a tributary of the Liffey as part of the proposal how will this impact on salmon and trout stocks ?

According to inland fishery report on the planning proposal ref no 20/1369 referring to the Toni river.

A submission by Inland Fisheries Ireland (IFI) makes the following observations:

- The River Liffey and tributaries are exceptional in supporting Atlantic Salmon (listed under Annex II and V of the Habitats Directive) and resident Brown Trout. The Liffey also supports Freshwater Crayfish and Lamprey (listed under Annex II of the Habitats Directive). This highlights the sensitivity of the catchment and IFI is opposed to any development on floodplain lands.

For this development has Kildare Co co followed up with the IFI for a response.

Bridges on watercourses are the responsibility of the OPW

Work on these is subject to the approval of the Office of Public Works, in accordance with Section 50 of the Arterial Drainage

Act 1945 and the Planning System and Flood Risk

Management Guidelines, DEHLG, (2009).

These applications will be made to the

Office of Public Works by the developer post receipt of planning permission.

Approval shall be obtained prior to commencement of the works .

In relation to this development which comes first the site or the bridge and stream work.

Planning permission has already been granted at this stage do you end up with development of the site commenced before there is agreement over the bridge and culverting of the stream . The culverting of the stream has received little mention in ecology or flooding reports.

Environmental report deemed not needed despite

Impact on

Heritage

Transport

Is this in keeping with our commitment to European Standards ?

FLOODING

SUDS

Best practice is to keep surface water on the surface and deal with it there especially in flood plain areas and environmentally vulnerable areas .

Good practice with attenuation and slow conveyance type SuDS is to use 'soft engineered' surface features rather than underground storage and to align the conveyance train with exceedence flood.

Tanking is proposed on this site.

Observation

Positioning of the tank on the maps are very near the flood plain

Tree pits why is there a need to use storage capacity under them what is it , and where does excess water end up is this allocated into run off rates.

In other words avoid attenuation tanks which are shown to cause pollution of watercourses and risk of flooding from mechanical failure .

According to SFRA and I quote

In some exceptional cases it may not be feasible to use the above devices at the discretion of the KCC, approval may be given to install underground attenuation tanks or enlarged pipes in conjunction with other devices to achieve the required water quality. These should only be considered as a last resort where it can be shown that SuDS measures are not achievable.

This is a conflict of interest where Kildare council are asking for and giving themselves permission .

This site cannot be managed under Suds and resorts to attenuation tanking and petrol interceptors.

The use of the hydrobrake to control run off water in the presence of a high water table and impermeable soil

goes against the recommendation of the SFRA

“Similarly flood defences should be ignored in determining flood zones as defended areas still carry a residual risk of flooding from overtopping, failure of the defences and deterioration due to lack of maintenance. “

Observation

Positioning of the tank on the maps how near the flood plain is it .

Tree pits why is there a need to use extra storage capacity under them , and where does excess water end up is this allocated into run off rates. Is this part of good suds management .

Justification test

Step 1

This land was rezoned by Kildare County Council

Did Kildare County Council own this land when it was rezoned for housing .

Step one of the justification test was already decided if you own the land and also have the authority to decide it's use .

Where local authorities own land and apply for permission to build, the same restrictions should be applied as to the general public .

Historic flooding incidents that have been presented are incomplete and inaccurate for this area. SFRA for Celbridge are based on CFRAM as the most suitable for Celbridge area ? These are

based on predictive data only and preceded by lengthy disclaimers from both state and private companies.

Also stated in SFRA

Flood zones are designated without the inclusion of climate change factors. The flood zones only account for inland and coastal flooding. They should not be used to suggest that any areas are free from flood risk as they do not account for potential flooding from pluvial and groundwater flooding. Similarly flood defences should be ignored in determining flood zones as defended areas still carry a residual risk of flooding from overtopping, failure of the defences and deterioration due to lack of maintenance.

This site was described by Archer to have water logged ditches. Further considerations for the above when applied are not used to rezone but used only to apply considerations. Therefore from the outset areas are incorrectly zoned and assessed for suitability for development.

How many occasions has Kildare County Council rezoned based on further consideration without third party involvement.

What is the additional cost of site preparedness due to its proximity to a flood zone, archeology constraints, ecology constraints around building time frames is this value for money for the tax payer to build 39 houses ?

Linda O'Donnell
25 Chelmsford
Celbridge
Co Kildare

Sent from my iPad

Linda O'Donnell
26th September 2023

Planning Observation Submissions to An Bord Pleanála

Executive Summary

On 30th of August, residents of Chelmsford met in conjunction with the residents committee to review the planning notice from KCC Proposed construction of 39 residential units, widening of Pausdeen Bridge and all associated site works at Newtown/Ardclough Road, Newtown, Celbridge, Co. Kildare - Section 177AE of the Planning and Development Act 2000 (as amended). There are 38 houses in Chelmsford. The majority allowed the sub committee to gather relevant information to provide an observation to An Bord Pleanála.

See Appendix 1 List of Attendees.

There are genuine concerns from the majority of residents and below are the high level issues in 6 main areas.

- a. Flooding
- b. Road Safety and Pausdeen Bridge Widening
- c. Archaeological
- d. Land Permission
- e. Infrastructure
- f. Ecological

All of the areas above have an effect on the guidelines issued when submitting observations to An Bord Pleanála as shown below:

1. The implications of the proposed development for proper planning and sustainable development in the area concerned,
2. The likely effects on the environment of the proposed development,
3. The likely significant effects of the proposed development on the European Site if carried out.

a. Flooding

Observations:

Insurance: Many residents of Chelmsford estate cannot get flood insurance, so how will the new 39 residential units get this critical insurance? Who pays for any future flood event?

MRFS: Tobin Consultants chose to use the Medium Risk Future Scenario instead of the High Risk Future Scenario in a flood plain which doesn't seem realistic.

CFRAM: Identifies the wider area as a flood zone with part of the site actually in the flood zone

Historical Flooding: Local Residents believe that Tobin Consultants view that the most recent event in the area in 1954 is inaccurate and flooding occurred in 1993, 1998 and 2000

Ground Flooding: Residents believe that Tobins view that the site will not flood due to groundwater may be inaccurate with evidence to show the site saturated. This also throws into question the location of the SuDs and their effectiveness.

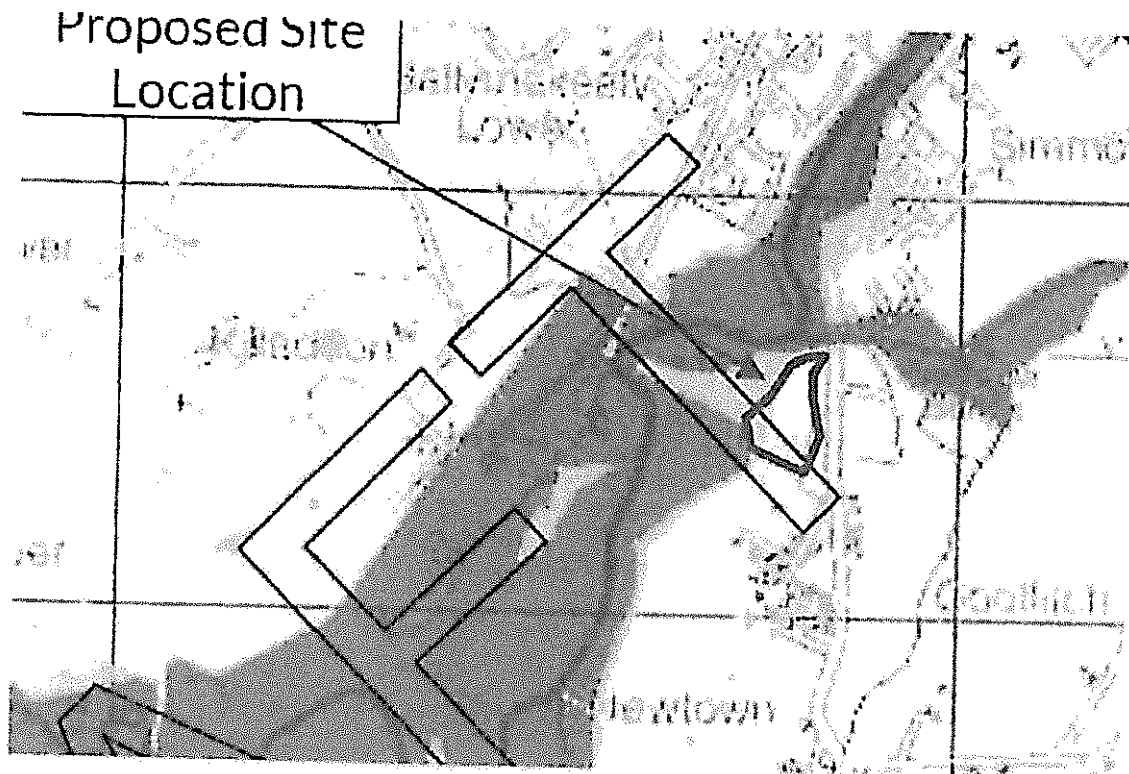
PFRA: Tobin report highlights the OPW Preliminary Flood Assessment (PFRA) and clearly state themselves that there is flooding in the southwest corner of the site.

Outdated Maps: Chelmsford Manor does not appear on any of Tobins utilised maps

Very little tolerance: The predicted high water level of the site at 09L1FF02820 and 0.1% AEP is 52.95m. However evidence shows water further into the site. The Topographical survey indicates a Northwestern Fall with levels varying from 53.80 to 53.0m OD at the Northwestern Edge. Are we to assume therefore that it was

the illegal dumping which has helped to raise the site? Also 5cm clearance from a map without empirical current site data is hardly reassuring as good tolerance to flooding.

Sequential Approach to flooding: The sequential approach to flooding outlined by Tobin in section 3 clearly states the number 1 objective is to "Avoid – preferably choose lower risk flood zones for new developments". The residents believe the site is not low risk. That is obvious to all locals who can't get flood insurance in the area. Tobin believes the site to be in Flood Zone C, without additional local knowledge it seems. Tobin also deem the development appropriate for the Highly Vulnerable category and critically state that no further assessment is required. The residents feel additional assessment is required.



b. Road Safety and Widening of Pausdeen Bridge

Observations

Remedial Works: Pedestrian crossings have been recommended for Chelmsford without consultation.

Outdated Information: The consultant maps do not show Chelmsford Manor and are out of date.

Road Traffic Collisions Data: Bruton consultants are using outdated road safety information from 2016.

Selective Approach: Bruton consultants only reviewed the road to the south of the site and no further than Pausdeen bridge.

Road Traffic Collision Actual: There have been serious injury collisions within 300m of the site that have been omitted by Bruton since 2018.

Bus Stops: Children in Chelmsford, Chelmsford Manor, the New Council Estate and the proposed new Council Estate (site) use private bus transfer to primary and secondary school. There are no dedicated safe places for the bus to stop.

Previous Refusal of Planning for Hill Rock Housing Estate: An Bord Pleanála rejected planning permission for a new estate 300m west of Chelmsford based on road safety concerns which was overturned in 2018 and the estate was subsequently purchased in full by KCC. An Bord Pleanála were correct and the serious accidents on

the road since 2018 have been overlooked by KCC in order to rush through a second development to suit their needs while the risk of further accidents grow. An Bord Pleanala needs to stick to its guns here again. Planning was refused by An Bord Pleanala on the proposal ref.no.184081 now Hill Rock on road safety issues. "The basis for the refusal of permission issued by the Planning Authority relates to the impact that the additional vehicular and pedestrian traffic generated by the development would have on a narrow road with inadequate footpaths connecting the development to Celbridge and would be such as to endanger public safety by reason of the creation of a traffic hazard. This refusal was overturned on the grounds of the objective stated in the LAP for Celbridge.

c. Archaeological

Key Point by Archer: The impact of these groundworks on the recorded archaeological remains at the site will be direct, negative and permanent.

Excavation: Archer recommended that should development proceed at this location; this should be preceded by a full archaeological excavation of the recorded archaeological features under licence to the DHLGH .

Monitoring: Archer recommended that Groundworks across the remainder of the site should be monitored by a suitably qualified archaeologist.

d. Land Permission:

Chelmsford Works: The remedial works to the front of Chelmsford which includes widening of the bridge requires permission from the land owner. It was assumed that the freehold belonged to KCC but according to Folio maps title rests with others. This was unknown until very recently by the residents and is shocking. A letter from an adjacent property gives permission for the bridge widening but no such approach or letter has been seen by the residents of Chelmsford for the destruction of part of its freehold. The residents will be taking urgent action on this.

e. Infrastructure:

Traffic Concerns: The new site will bring additional road traffic. There is no sign of the additional new bridge for Celbridge. The new site has provision for future vehicular access to a new recreational park. There is no sign of parking for such a facility.

Road Width: There is no sign of a traffic study and the road width is an issue towards the village.

Play Area: There is no playground in the recently purchased council estate or in the proposed new site. Where are these children expected to play? Surely the council doesn't expect the children to play down by the river given the proximity of less than 40m and a gate for access to the river is proposed.

Building Height: There are no private three story buildings in the area and these three story buildings proposed by the council are in an area of scenic beauty.

f. Ecological:

Fishing and Habitat: The Pausdeen waterway is deemed to be a spawning ground and there is no mention of the damage the bridge works will do to the ecosystem. There was no mention of a fisheries study.

I submit this Summary and agree with my fellow concerned residents on the observations raised

Name

Address

Signed:

Areas of Concern for the Residents of Chelmsford

On 30th of August 15 residents of Chelmsford met in conjunction with the residents committee to review the planning notice from KCC Proposed construction of 39 residential units, widening of Pausdeen Bridge and all associated site works at Newtown/Ardclough Road, Newtown, Celbridge, Co. Kildare - Section 177AE of the Planning and Development Act 2000 (as amended). There are 38 houses in Chelmsford and there are genuine concerns being raised by the majority of residents.

1 Flooding:

Residents are concerned about the risk of flooding on the proposed site.

Many residents of Chelmsford cannot get flood insurance including those that are much further away from any Preliminary Flood Risk Area (PFRA) or Catchment Flood Risk Assessment Management (CFRAM) risk area than the proposed site i.e. >40m. What mapping systems are being used by the insurers and what claims have been recorded? Why do they know more than Tobins report?

Flood risk cover is an issue for the residents of Chelmsford as discussed below from the newest resident to the area and an expert in the field.

"As the newest residents to Chelmsford, we had to purchase our home with a flood exclusion clause, and therefore in the event of a flood all damage to our property will not be covered by our home insurance provider.

I am an Actuary working within the wider insurance industry in Ireland, and therefore I spoke with many home insurance professionals across actuarial, claims and underwriting about the flood risk in Chelmsford. The conclusion was that based on the GIS data, coupled with flood risks and claims within a 5km radius, that properties in Chelmsford fall into their highest category of risk. Therefore, under no circumstances could they offer us home insurance with flood cover included. There was no option for an additional loading to the premium – they were not willing to accept the risk for any premium. I contacted all the mainstream insurance providers, as well as specialists in 'difficult to obtain' insurance and no company would accept the risk.

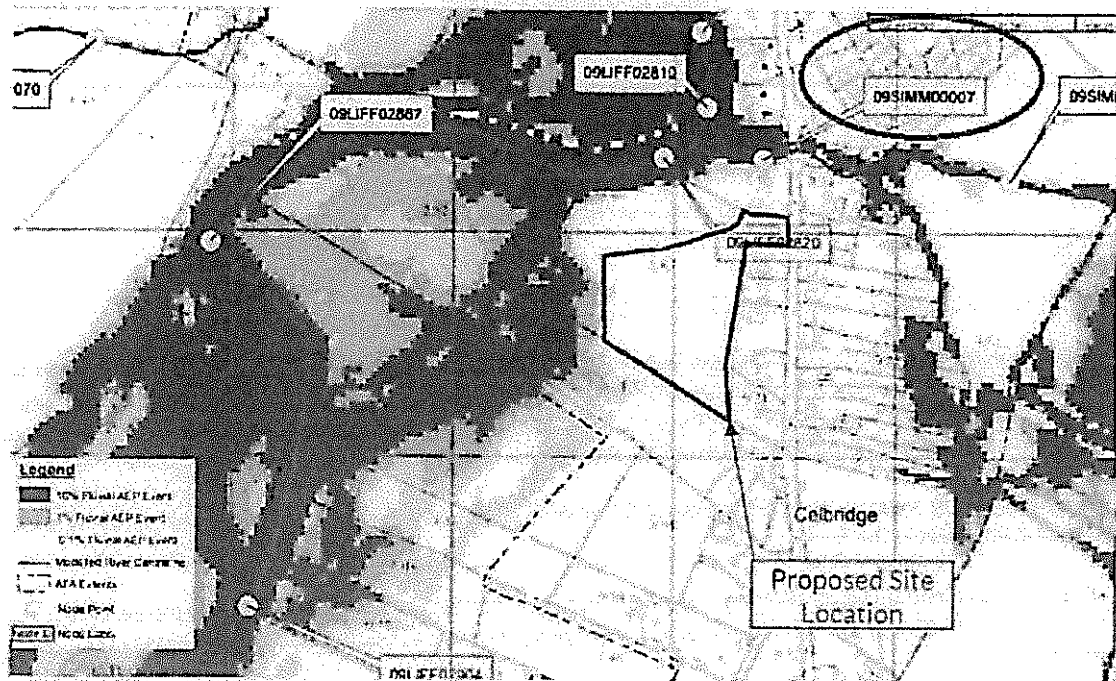
There are current residents who have flood insurance as their policies renew on an annual basis. If a policy had flood cover included at inception, then a flood exclusion clause cannot be triggered on renewal. However, the impact of this is that these residents are tied to their current home insurance provider and cannot move provider for a more competitive price without losing their flood cover.

Similarly, any residents looking to sell their home, for example those looking to downsize to a smaller property, will have issues with selling their property as no purchaser will be able to obtain flood insurance on the property on a new business basis. There is no option to 'pass on' the current cover with flood included when the home is being sold, instead the flood risk exclusion will be triggered for the new purchasers. Any property being mortgaged by a bank will need special sign off from the mortgage provider to drawdown without flood cover.

The below image was taken from the following document:

<https://kildarecoco.ie/AllServices/Planning/LocalAreaPlans/LocalAreaPlans/CelbridgeLocalAreaPlan20172023/SFRA%20Final.pdf>

I have circled Chelmsford in green. The properties in the proposed site will not be able to obtain home insurance with flood cover included."



The flood report prepared by Tobin, states in section 1.4, that there are two future flood risk scenarios namely, the Mid-Range Future Scenario (MRFS) and the High-End Future Scenario (HEFS). The consultant chose to use the MRFS as the likely future scenario without having empirical data garnished from the site directly located in a flood plain. Why?

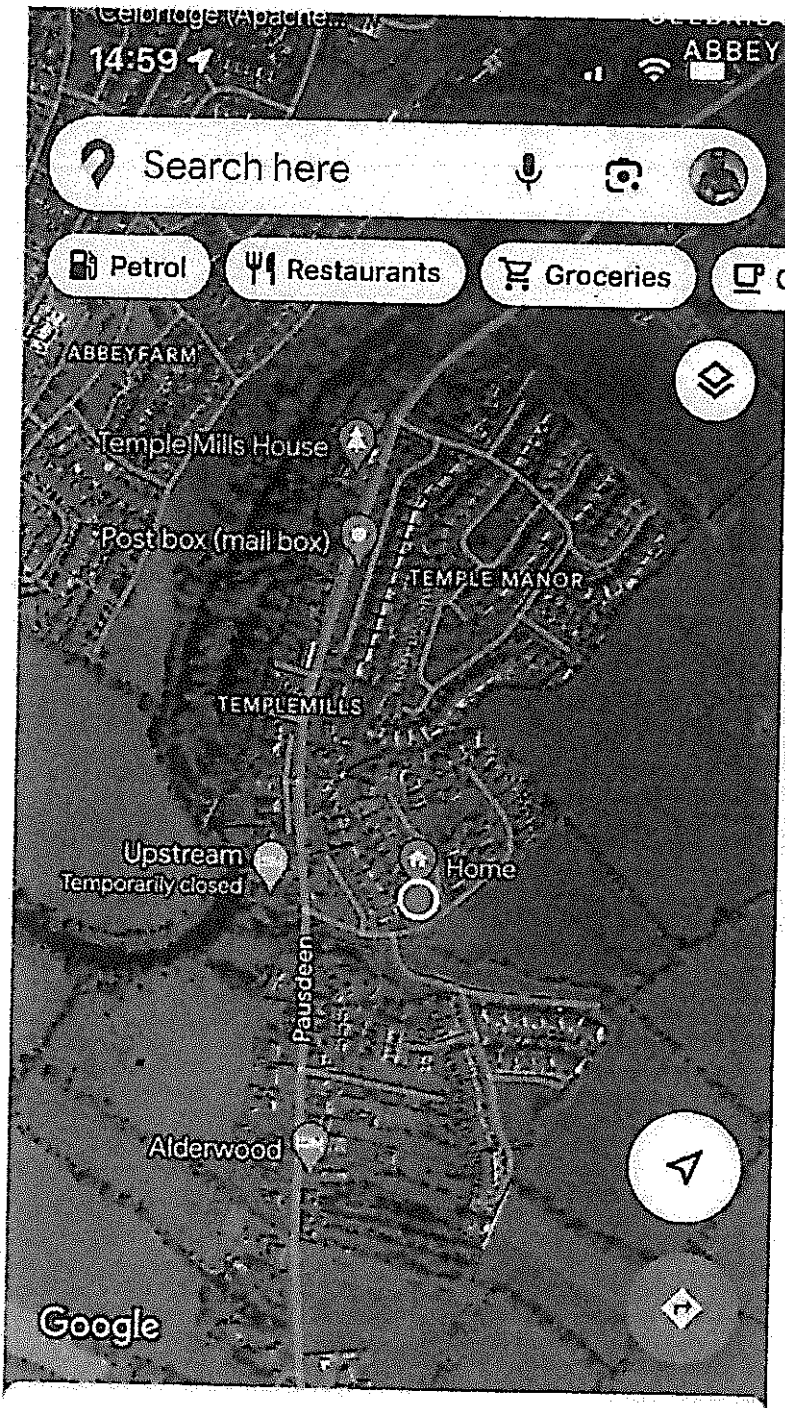
We also note from section 1.5 highlights that SuDS are to be utilised and that applications to build new culverts or extend bridges must get approval from the OPW before work commences. However the approval is sought after planning permission has been granted. So KCC have granted themselves permission. The OPW are under the spotlight in September 2023 in Celbridge over the Castletown house Fiasco. OPW were attempting to push through changes at liberty until mass protests brought clarity to the situation. Given the information that surfaced we implore An Bord Pleanala to examine carefully the correspondence between KCC and the OPW in this new development.

The extract below from Page 7 of Tobins Report regarding CFRAM mentions flooding on the site.

A small portion of the western area of the site has been identified as being liable to flooding from the 1:10 year (10%) Annual Exceedance Probability (AEP) fluvial flood event. The lands adjacent the site to the west, a future recreational park, are liable to flooding from the 1:100 year (1%) and 1:1000 year (0.1%) AEP fluvial flood event, as can be seen in figure 2-2 above.

The source of the flooding is associated with the River Liffey.

The diagram below shows that the site boundary (40m from river) would be the closest development to the flood plain on the west side of the Ardclough Road. No other development is as close to the Liffey flood zone on the southern side of the river.



Latest in Celbridge

 Explore

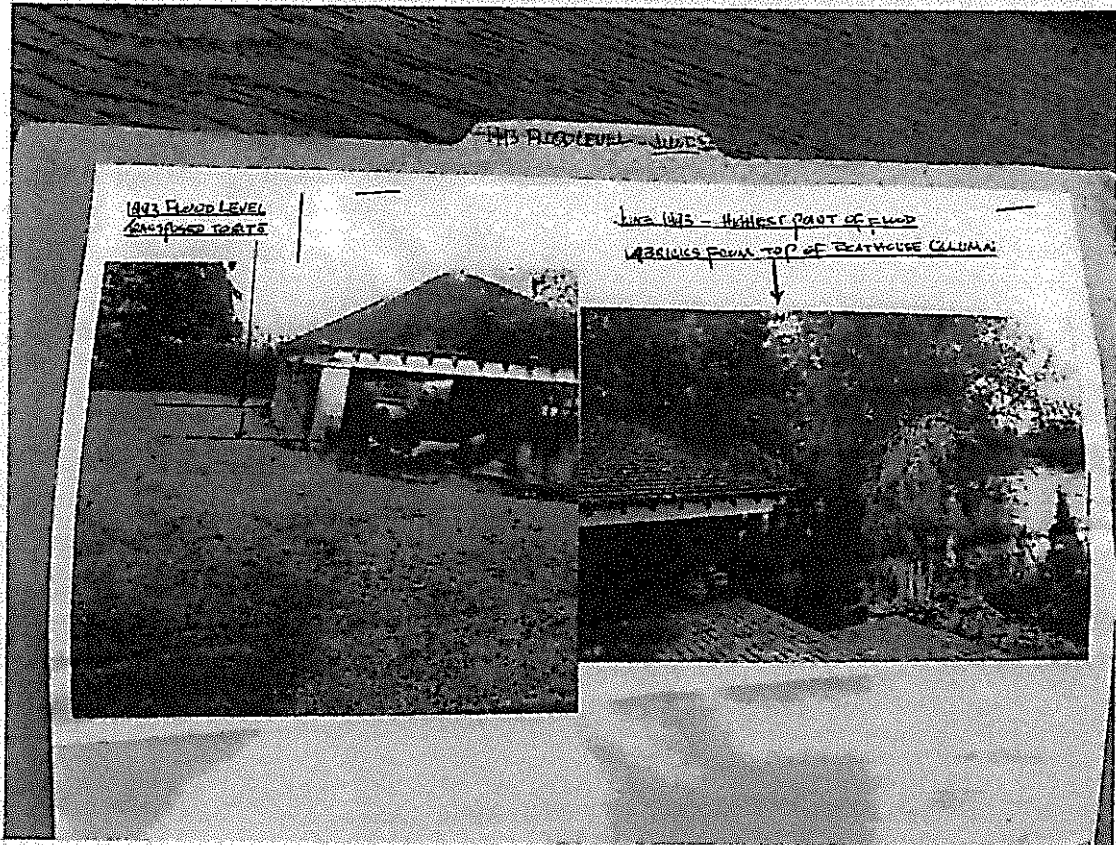
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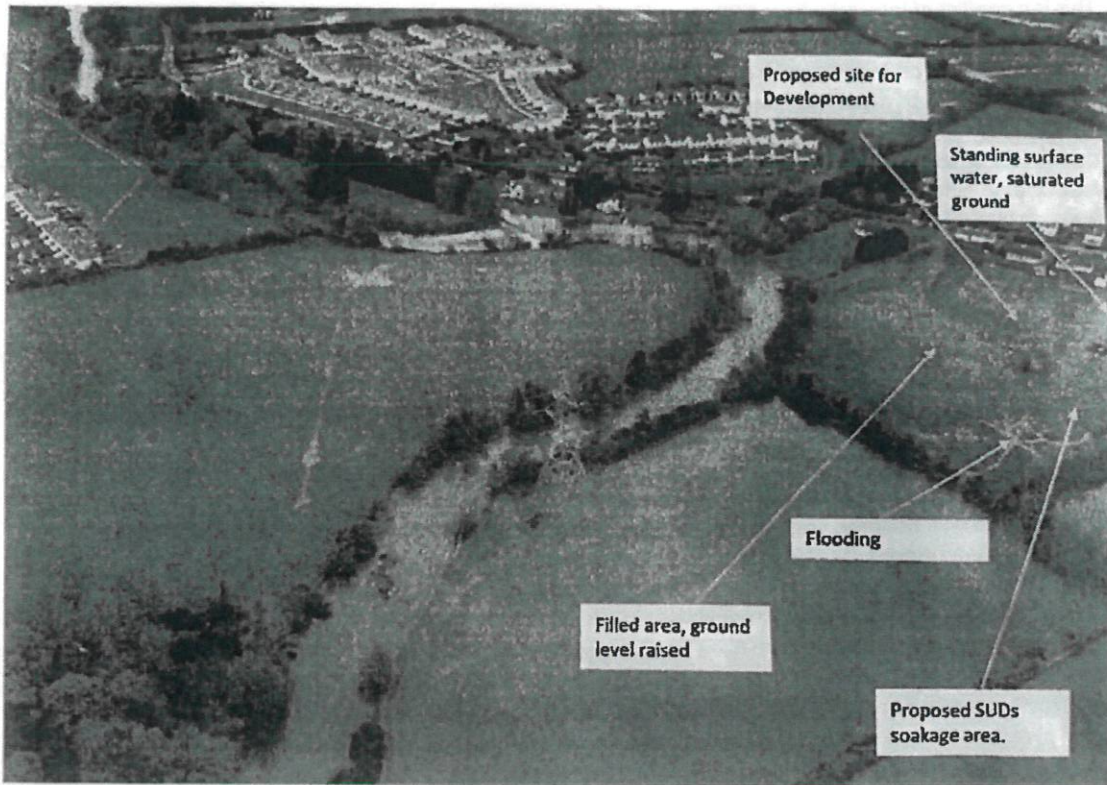
 Saved

 Contribute


 Updates

Section 2.2 of the report states that there was flooding in 1954 which affected the area with no major flooding events since. Event 2176 as per figure 2-1 of Tobins report. The residents of Newtown believe that flooding has occurred previously on the site in the last 30 years. Photos are included from residents.





An ESB report into the November 2000 flood event states that the flood had a 20 year return period similar to the 1993 and 1998 events. This is not a 1 in 1000 year flood event.

Element 2.8 of Tobins report states that, based on the maps by Geological Survey Ireland (GSI) and results of the PFRA, there is no evidence to suggest there is any groundwater flooding at the proposed site. This is disputed as the proposed development site becomes saturated with water regularly during the winter months, and the open field drains bordering the site are filled to surface level on regular occasions. The field along the review bank is a marsh some of which was covered up with illegal dumping of infill. Does the council even know what was dumped on the site? Are they sure that it was only infilled? Is it safe?

SUD scheme is mentioned yet, its position is in a location on the site whereby there is flooding and a saturated ground adjoined to it. Section 2.3 of the Tobin report highlights the OPW Preliminary Flood Assessment (PFRA) and clearly state themselves that there is flooding in the southwest corner of the site. This is without regard to the above eyewitness accounts of additional flooding beyond the southwest corner. It also states that "there is no record of pluvial flooding or ponding surface water occurring in the vicinity of the site" which the local residents object to. Further is it the intent of the council to utilise the infill land as some kind of barrier without a full environmental study of what that illegal dumping was? KCC acquired the lands in dubious circumstances and now the dumping is of value? Was Tobin even made aware of why a certain area of the site is raised.

SUDS

Best practice is to keep surface water on the surface and deal with it there especially in flood plain areas and environmentally vulnerable areas.

Good practice with attenuation and slow conveyance type SuDS is to use 'soft engineered' surface features rather than underground storage and to align the conveyance train with exceedance flood.

Tanking is proposed on this site

In other words avoid attenuation tanks which are shown to cause pollution of watercourses and risk of flooding from mechanical failure.

According to SFRA and I quote - In some exceptional cases it may not be feasible to use the above devices at the discretion of the KCC, approval may be given to install underground attenuation tanks or enlarged pipes in conjunction with other devices to achieve the required water quality. These should only be considered as a last resort where it can be shown that SuDS measures are not achievable.

This is a conflict of interest where KCC are asking for and giving themselves permission. This site cannot be managed under SuDs and resorts to attenuation tanking and petrol interceptors. The use of the hydrobrake to control runoff water in the presence of a high water table and impermeable soil goes against the recommendation of the SFRA. "Similarly flood defences should be ignored in determining flood zones as defended areas still carry a residual risk of flooding from overtopping, failure of the defences and deterioration due to lack of maintenance."

Justification test

Step 1

This land was rezoned by Kildare County Council. Did Kildare County Council own this land when it was rezoned for housing. Step one of the justification test was already decided if you own the land and also have the authority to decide its use. Where local authorities own land and apply for permission to build, the same restrictions should be applied as to the general public. Historic flooding incidents that have been presented are incomplete and inaccurate for this area. SFRA for Celbridge are based on CFRAM as the most suitable for the Celbridge area? These are based on predictive data only and preceded by lengthy disclaimers from both state and private companies.

Also stated in SFRA

Flood zones are designated without the inclusion of climate change factors. The flood zones only account for inland and coastal flooding. They should not be used to suggest that any areas are free from flood risk as they do not account for potential flooding from pluvial and groundwater flooding. Similarly flood defences should be ignored in determining flood zones as defended areas still carry a residual risk of flooding from overtopping, failure of the defences and deterioration due to lack of maintenance.

This site was described by Archer to have water logged ditches. Further considerations for the above when applied are not used to rezone but used only to apply considerations. Therefore from the outset areas are incorrectly zoned and assessed for suitability for development. How many occasions has Kildare County Council rezoned based on further consideration without third party involvement. What is the additional cost of site preparedness due to its proximity to a flood zone, archeology constraints, ecology constraints around building time frames is this value for money for the taxpayer to build 39 houses?

Element 2.4 of Tobin's report highlights that the proposed area is at flood risk according to the National Catchment Flood Risk Assessment and Management (CFRAM) study with a small proportion of the site being identified as being liable to flood at 1:10 or 10% Annual Exceedance Probability (AEP). The predicted high water level of the site at 09LIFFO2820 and 0.1% AEP is 52.95m. In every figure or map used by Tobin, Chelmsford Manor does not exist. This estate was built to the East of the site in 2015. Therefore Tobin's use of mapping is out of date. Add this to the lack of empirical site specific data and the fear is data omission could lead to a critical incident of flooding paid for by the taxpayer because evidence exists that the surrounding area is uninsurable from a flooding perspective.

The Topographical survey indicates a Northwestern Fall with levels varying from 53.80 to 53.0m OD at the Northwestern Edge. Are we to assume therefore that it is the illegal dumping which has helped to raise the site? Also 5cm clearance from a map without empirical current site data is hardly reassuring as good tolerance to flooding. In fact it has been stated that part of the site will be in the flood zone. The sequential approach to flooding outlined by Tobin in section 3 clearly states the number 1 objective is to "Avoid – preferably choose lower risk flood zones for new developments". The site is not low risk. That is obvious to all locals who can't get flood insurance in the area. Tobin believes the site to be in Flood Zone C, without additional local knowledge it seems. Tobin also deem the development appropriate for the Highly Vulnerable category and critically state that no further assessment is required. It is noted that Tobin will be the consultant engineers for SuDs. The point is made by Tobin in the summary of 4.0 that ground floor levels for the dwellings should be a minimum of 53.35mOD which is 500mm above CFRAMS 0.1% (1:1000 year) flood level.

Recommendation: Bord Pleanála commission its own independent flood report of the site prior to any decision. The residents have reviewed the report but are not experts and the Council paying for its own independent report to use as a justification may be a conflict of interest. A desktop study of maps is not the same as gathering empirical evidence of rainwater and flooding on the exact site or getting documented evidence from the locals.

2 Road Safety and Pausdeen Bridge Widening.

It is recommended that either a controlled pedestrian crossing or uncontrolled crossing be provided with dropped kerb and suitable tactile paving at Chelmsford by Bruton Consulting Engineers (BCE). Remedial works at the entrance to Chelmsford will have to be carried out including the removal or repositioning of pillars and flower beds etc. without there being any consultation with the residents of Chelmsford.

The common areas of Chelmsford belong to Martin Flattery according to Folio KE5330 and plan number B1W03 and therefore KCC do not have the right to alter the common areas or freehold. The residents were under the illusion that KCC had taken the freehold but this doesn't seem to be the case. The residents are holding an EGM to discuss the matter and seek advice. Alterations were already made to the freehold areas at the Pausdeen bridge possibly without consent. We urge planning to stop in relation to Pausdeen bridge until this hugely important point is addressed.

If the Road Safety report highlights the need for a pedestrian crossing at Chelmsford, why are there not Pedestrian crossings at Temple Manor and Simmonstown to protect the Children all the way to the village including the children of Chelmsford?

Celbridge LAP RDO1.5:

"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." As a road user this is the reality.

A single footpath is all that is available for footfall bicycles, buggies and prams and mobility scooters. Road is not suitable for children to cycle to school. Subsequently children that do are using the single footpath for cycling. Single footpath does not allow for walking facing oncoming traffic. This proposal goes against HSE guidelines on safety for our children on the roads. Parents will be left with no choice but to drive children to school. The single footpath is not on the side of the estate and currently the need for three different crossings is proposed by the Bruton report to get pedestrian traffic to the estate.

Planning was refused by An Bord Pleanála on the proposal ref no.184081 now Hill Rock on road safety issues. "The basis for the refusal of permission issued by the Planning Authority relates to the impact that the additional vehicular and pedestrian traffic generated by the development would have on a narrow road with inadequate footpaths connecting the development to Celbridge and would be such as to endanger public safety by reason of the creation of a traffic hazard. This refusal was overturned on the grounds of the objective stated in the LAP for Celbridge 2018.

An Bord Pleanála were correct to refuse planning, due to the number of serious injury accidents on that road. KCC chose to ignore this fact and bought the Hill Rock site in full and now KCC plan on building another estate on the other side of the road without major improvements all the way to the village. One wonders how the council bought Hill Rock given the issues with Road safety and are they protecting their tenants?

There is data missing from BCE Report dated March 2022 and below are some of the critical road traffic collisions in the area omitted by BCE

Observations:

Clause 2.1 Collision History (Page 4.)

The Review Period in the report was from 2005 – 2016 and therefore not current and does not factor in any incidents / accidents north of the proposed junction. That is to say the report only looked at one side of the road for accidents. (South Side) Since 2018 there have been three Major Road Traffic Collisions north of the proposed junction between Pausdeen and Temple Mill Cottages within 300m of the proposed bridge widening and site. High level details below:

Date: 25th June 2021

Location: Temple Mill Cottage

Accident: Child 11 yrs – Female knocked down by Delivery Driver

Emergency Services Attended scene: Ambulance, Garda

Child taken to A&E by ambulance for treatment.

Full details can be shared with An Bord Pleanála, on request.

Date: 2nd April 2019

Location: Pausdeen – directly in front of Chelmsford Estate entrance

Accident: Elderly Woman involved in collision – car complete right off after collision

Emergency Services Attended scene: Ambulance, Garda, Fire Brigade

Woman taken to A&E by ambulance for treatment.

Full details can be shared with An Bord Pleanála, on request.

Date: 8th June 2018

Location: Temple Mill Cottage

Accident: Male Motorcyclist in collision with Motor car

Emergency Services Attended scene: Ambulance, Garda

Full details can be shared with An Bord Pleanála, on request.

Recommendation: KCC or Bord Pleanala to contact Bruton Consulting Engineers and ask for clause 2.1 to be updated and the Collision history from 2018-2021 North and South of the proposed junction to be included. This report should also highlight the 'major' accidents that have happened in the last five years.

Observations:

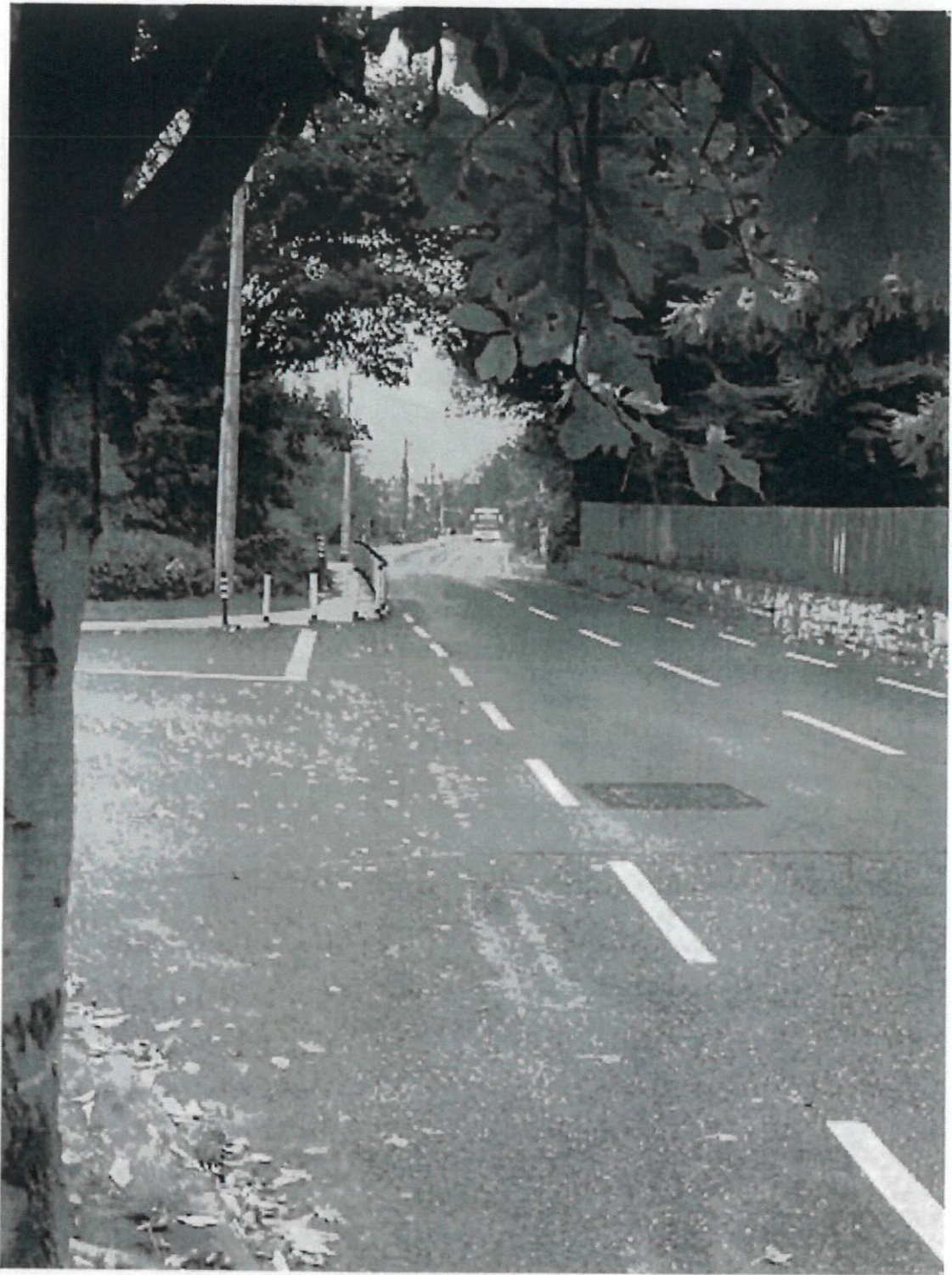
Clause 3 Issues raised in this Road Safety Audit (Pages 5-10)

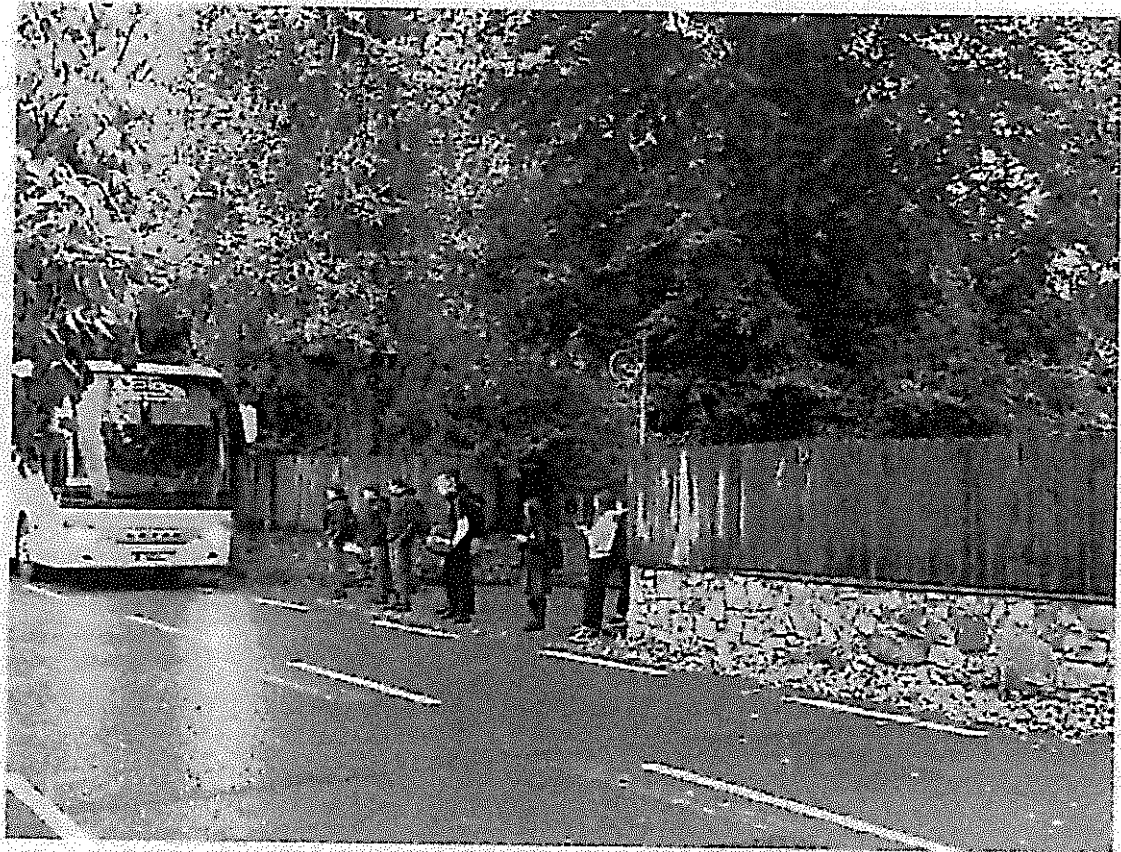
Section: 3.8 problem

Location: Drawing 210303-2-007 – Rev – VHA, Pedestrian Bridge

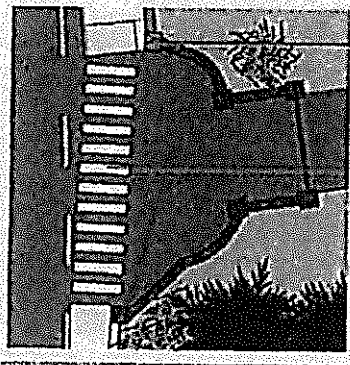
Information in the Bruton Consulting Engineers Road Safety report is not true or correct. The entrance at Chelmsford is an extremely busy junction during peak times (Work / School Times etc.). The entrance is the only access to Chelmsford and Chelmsford Manor Housing Estates which has a total of 95 Residential houses. Each house has an average of two motor vehicles which in turn means 190 motor vehicles can pass through the entrance at any one time. There is no dedicated bus stop for the children of Chelmsford going to school. This applies to the new Council Estate in Newtown recently acquired and the proposed site. There are no bus stop facilities at Simmonstown and Templemanor for children going to school on the bus. Note that cycling is not an option as there are no cycling routes.

The pictures below highlight the dangers for children currently using a private school bus





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RECOMMENDATION

It is recommended that an uncontrolled crossing be provided. As it is a very lightly used entrance the footpath could be made continuous to give better priority to pedestrians.

Observations:

Clause 3 Issues raised in this Road Safety Audit (Pages 5-10)

Section: 3.9 problem

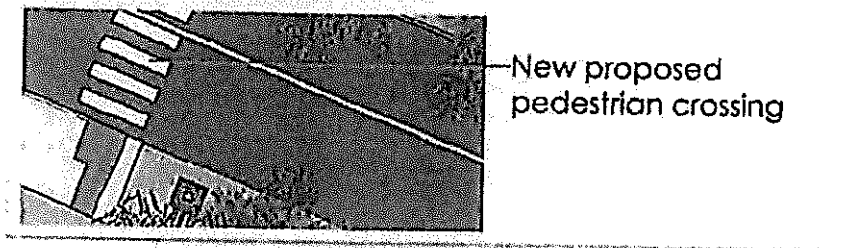
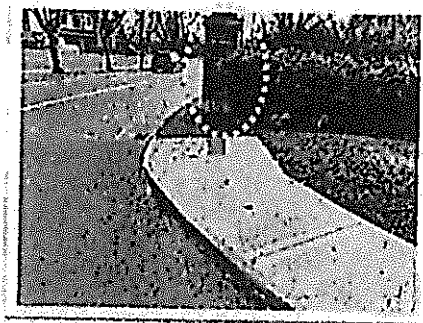
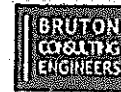
Location: Drawing 210303-2-007 – Rev – VHA, Pedestrian Bridge

The information in the Bruton Consulting Engineering Report or KCC Planning Application Report does not consider the ownership of the Common Green Areas at Entrance along with the two Pillars at the entrance to Chelmsford. The lands are not owned by the County Council, and they will need permission from the owner to carry out any works on this proposed site.

Resolution: The Chelmsford Residents Association should be given documented evidence that permission from the owner that any works on the planning application for bridge widening and new proposed zebra crossing has been given.

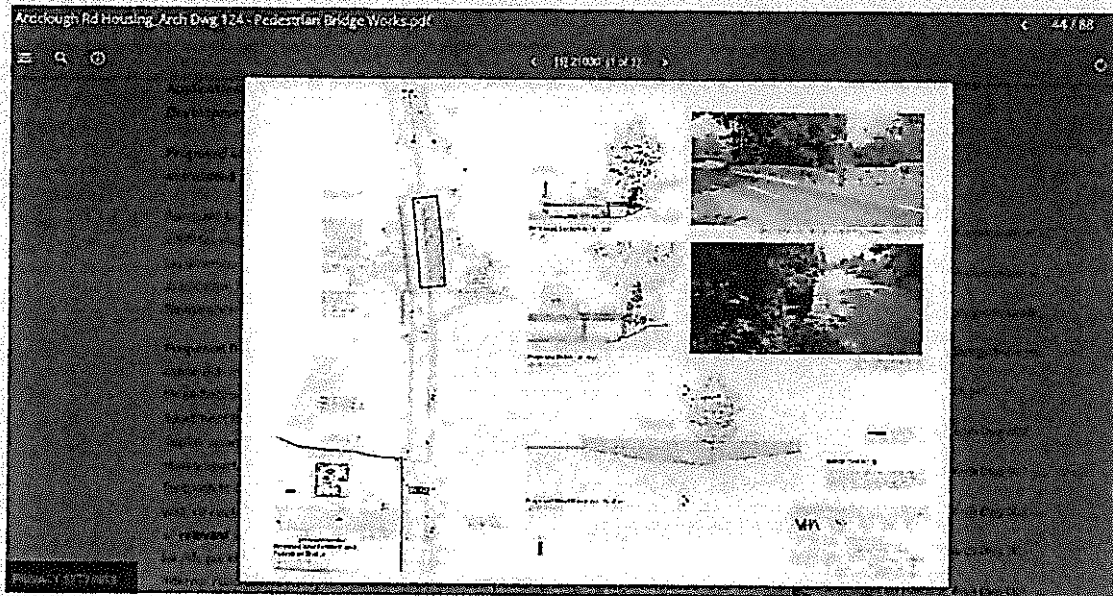
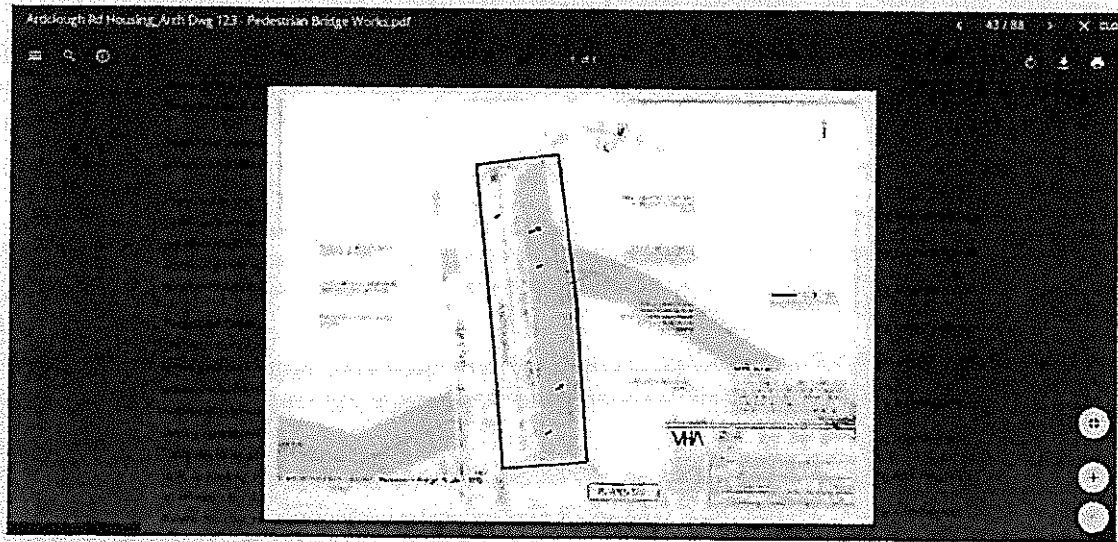
Also, clarification (in writing) as to how KCC were granted permission for the footpath area that was constructed in 2022?

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RECOMMENDATION:

It is recommended that if controlled crossing is proposed that beacons be provided. Suitable inter-visibility should also be provided for drivers and crossing pedestrians.



Observations:

Hill Rock Residential estate – Total of 55 homes. Close proximity to the proposed development. There is no mention in the Road Safety report about the increased traffic on the Ardclough Road and there is no Public Transport servicing this estate. In turn, there is an increased number of E Scooters, E Bikes on the Ardclough Road. Chelmsford Manor is not shown on any Maps from BCE.

3 Archaeological

In relation to the Archeology impact, the design statement discusses the 2021 report the geophysical report, but makes no reference to the most recent report May 2022 . The summary and recommendations of this report reflects negatively on developing this site. This could be construed as selective use of content in a report.

There is also no reference to the response of the DHLGH.

We believe there is a need for an Environmental Impact report as under Transport and Heritage, the lack of public transport and no plan for same, plus the Archeology report May 2022 would appear to qualify it under European standards.

The summary by Archer on the updated report 3- May 2022 clearly concluded that the recorded archaeological remains are of moderate-high significance. The proposed development will comprise of the construction of residential houses and associated services with associated soft and hard landscaping. Consequently, there will be significant groundworks. The impact of these groundworks on the recorded archaeological remains at the site will be direct, negative and permanent.

All conclusions and recommendations expressed in this report are subject to the approval of The Department of Housing, Local Government and Heritage (DHLGH) and the relevant local authorities. As the statutory body responsible for the protection of Ireland's archaeological and cultural heritage resource, the DHLGH may issue alternative or additional recommendations.

4 Infrastructure

Traffic Concerns: The new site will bring additional road traffic. There is no sign of the additional new bridge for Celbridge. The new site has provision for future vehicular access to a new recreational park. There is no sign of parking for such a facility.

Road Width: There is no sign of a traffic study and the road width is an issue towards the village. Nearest school 1.9 kilometres as per maps. Nearest shop 1.9 kilometres. No public transport link to the village, no plan for one.

Play Area: There is no playground in the recently purchased council estate (Hill Rock 300m West of Chelmsford) or in the proposed new site. Where are these children expected to play? Surely the council doesn't expect the children to play down by the river given the proximity of less than 40m and a gate for access to the river is proposed.

Building Height: There are no private three story buildings in the area and these three story buildings proposed by the council are in an area of scenic beauty.

5 Ecological Observation

Salmon/Trout Spawning - The Pausdeen watercourse may be a spawning ground. Inland Fisheries have identified Celbridge Rivers and tributaries as the most productive for Salmon and Annex II species in the region. KCC Chief Executive is on formal record to reassure that fisheries impact assessment are done on relevant infrastructure projects. This may require potentially expensive engineering solutions in order to maintain the integrity of the watercourse and the spawning grounds.

According to the inland fishery report on the planning proposal ref no 20/1369 referring to the Toni river. A submission by Inland Fisheries Ireland (IFI) makes the following observations:

The River Liffey and tributaries are exceptional in supporting Atlantic Salmon (listed under Annex II and V of the Habitats Directive) and resident Brown Trout. The Liffey also supports Freshwater Crayfish and Lamprey (listed under Annex II of the Habitats Directive). This highlights the sensitivity of the catchment and IFI is opposed to any development on floodplain lands.

For this development has KCC followed up with the IFI for a response?

Bridges on watercourses are the responsibility of the OPW. Work on these is subject to the approval of the Office of Public Works, in accordance with Section 50 of the Arterial Drainage Act 1945 and the Planning System and Flood Risk Management Guidelines, DEHLG, (2009). *These applications will be made to the Office of Public Works by the developer post receipt of planning permission.* Approval shall be obtained prior to commencement of the works. In relation to this development which comes first the site or the bridge and stream work. Planning permission has already been granted at this stage, do you end up with development of

the site commenced before there is agreement over the bridge and culverting of the stream? The culverting of the stream has received little mention in ecology or flooding reports.

Environmental report deemed not needed despite Impact on Heritage, Transport. Is this in keeping with our commitment to European Standards?

Was there an inland fisheries report carried out for the project?

Other Concerns Raised

Overdevelopment and loss of Character

Issue: A modern high rise building is proposed which would be out of character with the surrounding area. Observation: the development would detract from the area's historic charm and negatively impact the neighbourhood.

Suggested: Request the local authority to reconsider the proposal and explore alternatives to three stories. The area could be used as green space development and help promote the natural landscape. Is this site in keeping with a sequential approach to the zoning of lands for new residential development whereby lands spatially closest to the town core and public transport facilities are prioritised as provided for in the Development Plans Guidelines (2007).?

Future Traffic due to Park

It is proposed that the area west of the site will be used as a green space. On the site drawings it shows a gate and potential vehicular access for the green area. It is a great idea but where will all the traffic park for the green space? The vehicular access is shown below with the grey arrow. This will produce yet more traffic on the already busy road.

Non adherence to the core strategies included in the documents listed below,

Celbridge Local Area plan 2017-2023

Planning Act Amended 2020

Guidelines for Planning Authorities

Prepared by the Department of Housing, Local Government and Heritage. June 2022

Water

Connections for water and waste water

Report from an Uisce states

There are significant wastewater capacity constraints in this area, connections to waste water site would be dependent on work that has a completion date for Q4 2024 and Q4 for 2025.

Is this work on schedule?

Inclusivity

No inclusivity as this development is 100% social housing with no provision made for social and private integration. The second public housing initiative in the Simmonstown / Ardclough area with no integration. This is not in keeping with our document Roadmap for Social Inclusion 2020-2025.

Linda O'Donnell

Appendix

A. List of Attendees for EGM meeting in Chelmsford front Green

