



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-306068-19

Strategic Housing Development	120 no. apartments, crèche and all associated site works
Location	Lands adjoining and to the rear of St. Mary's Church, Mill Street, Maynooth, Co. Kildare
Planning Authority	Kildare County Council
Applicant	Ladras Property Company Unlimited Company (as part of The Comer Group)
Prescribed Bodies	Irish Water Inland Fisheries Ireland Transport Infrastructure Ireland

Dept. of Culture, Heritage and the
Gaeltacht

Observers

Parish Committee of St. Mary's Church
Maynooth Community Council

Date of Site Inspection

4th March 2020

Inspector

Sarah Moran

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1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The development site is located on Mill Street, in the centre of Maynooth, Co. Kildare. It is situated to the side and rear of St. Mary's Church, which dates to the 19th century and is a protected structure. The church is part of a complex of associated buildings including St. Mary's Parochial Hall and the Divine World Missionaries institutional lands, which lie further to the north along Moyglare Road. Part of the northern site boundary is shared with the Divine Word Missionaries lands. The remainder of the northern site boundary and part of the eastern site boundary, including lands at the bank of the Lyreen River, is shared with the recently permitted SHD development ABP-301230-18 at Mariavilla, which is currently under construction. The Lyreen River runs along the eastern and southern site boundaries. The 2-4 storey Millrace Manor apartment building and car park also adjoin the south western corner of the site, between the site and the Lyreen River. The western site boundary has c. 50m frontage to Mill Street (R148) and faces the Manor Mills Shopping Centre on the opposite side of the street, which has retail and commercial use on the ground floor with up to 5 storeys of residential use above. The Mill Street R148 / Moyglare Road signalised junction is to the immediate west of the site's road frontage. The site location is somewhat elevated relative to the centre of Maynooth and St. Mary's Church is visually prominent. The site is also visible from the Pound Lane Architectural Conservation Area (ACA) and a public open space off Pound Lane on the opposite side of the Lyreen River.
- 2.2. The site itself has a stated area of 1.05 ha. It is undeveloped but has been subject to excavations / quarrying such that ground levels in the eastern part of the site are significantly lower than St. Mary's Church. The western boundary to Mill Street is a low stone wall and there are trees along the northern site boundary.

3.0 Proposed Strategic Housing Development

3.1. The development involves 120 no. apartments as follows:

UNIT TYPE	NO. OF UNITS	%
1 bed apartment	43	36%
2 bed apartment	70	58%
3 bed apartment	7	6%
Total	120	

The development has a stated net residential density of 114 units / ha. The apartments are laid out in four blocks (A, B1, B2 and C) which range in height from four to six storeys.

3.2. The application also includes:

- Crèche (205.55 sq.m.) and restaurant / café (246.19 sq.m.) on ground floor of Block A and 3 no. office units (94.05 sq.m.) on first floor of Block A.
- Civic space fronting onto Mill Street and external play area to rear of crèche.
- New vehicular entrance to Mill Street. The following two options are presented:
 1. Vehicular entrance and associated pedestrian and cycle connections to Mill Street or
 2. Vehicular entrance and associated pedestrian and cycle connections to Mill Street to provide for a bus stop and realignment of existing footpath in accordance with Part VIII works at this section of Mill Street.
- Basement car park with a total of 74 no. car parking spaces, bicycle storage and bin storage areas.
- Communal open space areas including a walkway along the Lyreen River.
- New connection to public water supply and sewer.
- Part V proposals comprising transfer of 12 no. units within the development.

- The development is to be constructed in one phase with the open space areas, parking and vehicular / pedestrian / cycle accesses complete prior to occupation of the development.

4.0 Planning History

4.1. Development Site

4.1.1. Reg. Ref. 04/767

The planning authority granted permission on 8th September 2006 to demolish a house on the site and to carry out a development of 93 apartments, a crèche and retail unit.

4.1.2. Reg. Ref. 05/2420

The planning authority granted permission on 8th September 2006 for a development of 105 apartments, a crèche, retail and office accommodation with basement car parking.

4.1.3. Reg. Ref. 10/1295

The planning authority extended the duration of the above permissions to 6th September 2016.

4.1.4. ABP-301775-18

A recent SHD application at the subject site. Permission was sought for a mixed use development of 135 no. apartments in 3 no. blocks, crèche (259.17 sq.m.) and restaurant/café (218.59 sq.m.), 190 basement car parking spaces, 370 bicycle storage spaces, refuge storage areas at basement level, provision of open space areas and all associated site works. The Board refused permission for the following reasons:

1. The proposed development, by reason of its design, scale and bulk, in close proximity to St Mary's Church, which is a protected structure, would materially and detrimentally affect the setting of this protected structure and would diminish the level of light reaching the stained glass windows on the eastern and southern elevations of the Church, thereby detracting from its artistic, historic and architectural interest, and would injure its setting. The proposed development

would, therefore, materially contravene the policies and objectives of the Maynooth Local Area Plan 2013 – 2019 (in particular policy HP2) and the Kildare County Development Plan 2017 – 2023 (in particular policies DL1, PS2 and PS3), and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development, by reason of its bulk, design and location, would significantly detract from the character and amenities of the town of Maynooth, and in particular from the amenities of the lands along the Lyreen River and the open space at Pound Lane, due to the aspect that it would present towards the river which would be dominated by a high wall over which the proposed apartment buildings would appear as structures of substantial mass and extent. The proposed development would, therefore, be visually obtrusive, would fail to enhance the visual corridor of the Lyreen River and would be contrary to the proper planning and sustainable development of the area.
3. It is considered that the proposed development would not integrate with existing and authorised development in the vicinity nor provide adequate pedestrian and cyclist permeability, in order to encourage suitable facilities for travel by sustainable modes, in accordance with national policy. In particular:
 - The proposed development would fail to provide convenient and attractive routes for pedestrians and cyclists from the adjoining lands through the site towards the town centre, either along the river or otherwise.
 - The design of the access to the proposed development has not been co-ordinated with approved works to improve cycling and pedestrian facilities along Mill Street.
 - The proposed amount of car parking is considered to be excessive and has not been significantly reduced to reflect the town centre location of the site in accordance with the advice given at section 4.19 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in March 2018.

Furthermore, the Board is not satisfied that the trip generation from the proposed development has been adequately modelled or justified so as to demonstrate that

the proposed development would not have a significantly negative impact on traffic flows at this location between two heavily congested traffic junctions.

The proposed development would, therefore, be contrary to these Ministerial Guidelines, would endanger public safety by reason of traffic hazard and obstruction of road users (including vulnerable road users such as pedestrians and cyclists), and would be contrary to the proper planning and sustainable development of the area.

4. The proposed development would fail to provide an acceptable standard of amenity for its future occupants in accordance with the provisions of the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, issued by the Department of Housing, Planning and Local Government in March 2018, and the policies and objectives of the Kildare County Development Plan 2017-2023 and the Maynooth Local Area Plan 2013-2019 because:

- It would contain a number of single aspect apartments whose orientation would be predominantly towards the north and which would be in close proximity to the site boundary and would not overlook any significant amenity, contrary to section 3.18 of the Ministerial Guidelines.
- The amenity provided by the proposed central open space would be compromised by the width and extent of the vehicular route that would be run through it.
- The amenity provided by the open space along the river would be compromised by its narrow width, which would contravene policy FRA 8 of the Maynooth Local Area Plan, by the high wall alongside it, and by the failure to provide convenient and attractive access at either end of it.

The proposed development would therefore be contrary to the above-mentioned plans and Ministerial Guidelines issued to planning authorities under section 28 of the Planning and Development Act, 2000, as amended, and would be contrary to the proper planning and sustainable development of the area.

5. Having regard to the use of a bespoke river flood model rather than the Catchment-based Flood Risk Assessment and Management (CFRAM) model

prepared by the Office of Public Works in the Site Specific Flood Risk Assessment submitted with the application, to the preliminary nature of the submitted drainage designs and to the failure to address flood risks resulting from the proposed development, it is considered that it has not been demonstrated to the satisfaction of the Board that the proposed development would not pose an increased flood risk to third party properties and lands arising from the loss of floodplain storage. Accordingly, it is considered that the proposal has not been subject to an appropriate flood risk assessment that would satisfy criterion number 2 of the Justification Test for development management set out in section 5.15 of the Guidelines for Planning Authorities on the Planning System and Flood Risk Management issued by the Department of the Environment, Heritage and Local Government issued in November 2009. The proposed development would, therefore, be contrary to these Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.

4.2. ABP-301230-18 SHD Mariavilla, Maynooth, Co. Kildare

- 4.2.1. The board granted permission on 3rd July 2018 for housing development on the land adjoining the north-east of the current application site. The authorised development includes 319 houses, 142 no. apartments and student accommodation units with 483 bedspaces, accessed via the Moyglare Road and the R157 Dunboyne Road on the opposite side of the Lyreen River. The student accommodation would be provided in the part of the site closest to the current application site, with the nearest block E having four storeys of accommodation. Condition 3(a) required this block to be moved east/north-east of its proposed position by 12m with the resulting area being used for open space and a future pedestrian link to the development site.

4.3. Reg. Ref. 16/167 PL09.247614 Adjacent Site on the Dunboyne Road

- 4.3.1. Relating to a 2.02 ha site to the north east of the subject site, between the Lyreen River and the Dunboyne Road. Permission sought to demolish a dwelling and construct 34 no. houses with access to the Dunboyne Road. Kildare County Council refused permission for one reason relating to flood risk. The Board granted permission.

5.0 Section 5 Pre- Application Consultations

5.1. Pre-Application Consultation ABP-303315-18

5.1.1. The pre-application consultation related to a proposal to construct 120 no. apartments, crèche and associated site works at the development site. A section 5 consultation meeting took place at the offices of An Bord Pleanála on 12th February 2019. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, ABP was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development.

5.1.2. The issues raised were as follows:

1. Context

The pre-application consultation documentation has failed to adequately demonstrate an appropriate response to the issues set out by reason for refusal one of the previous SHD planning application. Further consideration is required in respect of the documentation relating to the context of the site and specifically, the adjacent church, a protected structure. This further consideration should include a planning justification and architectural rationale for the proposed development. The prospective applicant should satisfy themselves that the proposed apartment and mixed use buildings provides the optimal architectural solution for this prominent town centre site. In this regard, the proposed development shall be accompanied by an architectural report and accompanying drawings that outline the design rationale for the proposed building height having regard to inter alia, National and Local planning policy including the national guidance document 'Urban Development and Building Height' (section 3.0 Building Height and the Development Management Process), the site context and locational attributes. In addition, a comprehensive suite of photomontage images shall be prepared that takes into account any important views and vistas and/or buildings of note in the vicinity. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

2. Site Integration

The pre-application consultation documentation has failed to provide an adequate amount of material to allow any meaningful assessment of site integration if submitted as a full planning application. No documentation has demonstrated how the development will successfully integrate with the character and amenities of the town centre or recently permitted development to the north. The documentation fails to address the issues raised by refusal reason two and three of the previous SHD application. Further consideration should be given in relation to the design rationale/justification outlined in the documents as it relates to the integration of the proposed development with adjacent permitted and emerging development. Layout drawings should show recently permitted development to the north in the context of conditions attached to ABP-301230-18 regarding the provision of a future pedestrian route, position of apartment buildings and open space. In addition, contiguous elevations, levels and cross sections should show permitted development on those lands to the north and the relationship of the proposed development to the Lyreen River. There should be seamless physical connectivity between this site and the site to the north, as a means of providing a usable pedestrian/cyclist access route to and from the town centre. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

3. Residential Amenity and Connections

The documentation fails to satisfactorily address the issues raised by refusal reason two, three and four of the previous SHD application. Further consideration of documents as they relate to the layout of the proposed development particularly the relationship to the Lyreen River and the provision of a usable and safe riverside amenity together with appropriately scaled public open spaces that are well supervised. Reference should be made to permeability and the criteria set out in the Urban Design Manual relating to 'Connections' which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' and the Design Manual for Urban Roads and Streets. Through connections to the recently permitted development to the north should be shown and integrated into design proposals. Additional photomontage images and a series of suitably detailed drawings, specifically and most importantly cross sections at appropriate intervals to illustrate the topography of the site, showing proposed buildings, the Lyreen River

and interactions with any other landscape elements as necessary. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

4. Car Parking

The pre-application consultation documentation has failed to satisfactorily address issues set out by reason for refusal three of the previous SHD application on the site. Further consideration of the documents as they relate to the quantum of car parking, trip generation and the access and egress to the site based upon likely traffic volumes and the receiving street network. A suitably detailed mobility management strategy that specifically addresses the proposed amount of car parking should be prepared. The amount of car parking should reflect the town centre location of the site in accordance with the advice given at section 4.19 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in March 2018. Further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

5. Public Realm – Mill Street Interface

Further consideration is required in respect of the documentation relating to the interface of the development with Mill Street and specifically the provision of a high quality new public space. Proposals for new public realm should be suitably detailed in terms of the proper selection of high quality and durable materials. The pre-application consultation documentation has not shown any proposals prepared by the local authority. Reference should be made to any proposals by the planning authority, if known, and what impact such proposals would have on the delivery of a quality urban space. The further consideration should have regard to the requirements of the Planning Authority of Kildare County Council in relation to this matter and specifically reference should be made to any formal consents that may have already been secured, such as Part 8 Development or any CPO process. The prospective applicant should be entirely satisfied that their proposed development and specifically any entrance and new urban square proposals are not premature pending the design of a new road layout for the area and the possibility of land acquisition for proposals led by the Local Authority. Further consideration of these

issues may require an amendment to the documents and/or design proposals submitted.

6. Flood Risk Assessment

Further consideration of the documents as they relate to surface water management for the site. This further consideration should have regard to the requirements of the Drainage Division as indicated in their report dated 18 January 2019 and contained in Appendix B (page 27) of the Planning Authority's Opinion. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices'). In addition, documentation should address the issues raised by reason for refusal number five of the previous SHD application on the site. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

5.2. Pre-Application Consultation ABP-304783-19

5.2.1. There was a subsequent pre-application consultation related to a proposal to construct 120 no. apartments, crèche and associated site works at the development site. A section 5 consultation meeting took place at the offices of An Bord Pleanála on 30th August 2019. Representatives of the prospective applicant, the planning authority and ABP were in attendance. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, ABP was of the opinion that the documentation submitted constituted a reasonable basis for an application for strategic housing development. The applicant was requested to submit specific application with any application including:

- A Flood Risk Assessment (FRA) report that should have regard to the requirements of the Drainage Division as indicated in their report dated 09 July 2019 and contained in Appendix B (page 11) of the Planning Authority's Opinion. In addition, any surface water management proposals such as Sustainable Drainage Systems, should be considered in tandem with the FRA and specifically relate to an appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk. A Flood Risk Assessment should be prepared in

accordance with 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') and include a suitably detailed assessment that satisfies criterion number 2 of the Justification Test for development management as set out in the guidelines. All documentation in respect of the above should address the issues raised by reason for refusal number five of the previous SHD application on the site.

- Detailed proposals and design rationale for the area of new public realm along Mill Street should be submitted together with the necessary legal consents. In particular, the area connected with any works to improve or alter the public road along Mill Street.
- A detailed landscaping plan for the site which also clearly sets out proposals for hard and soft landscaping along the Lyreen River and the public realm area along Mill Street. Details of the recreational area for children should also be submitted including any proposals for play equipment provision, surface and boundary treatment to this area.
- A layout plan that clearly shows pedestrian/cyclist connections to adjacent lands, specifically, footpaths and/or cycleways should be shown right up to the boundary without any ransom strip so as to facilitate future connections.
- A Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers and neighbours of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and on adjacent properties.

5.3. Applicant's Response to Pre-Application Opinion

- 5.3.1. The application includes a statement of response to the pre-application consultation, as provided for under section 8(1)(iv) of the Act of 2016, which outlines the information / documentation submitted as specified in the ABP Opinion.

5.4. Section 28 Ministerial Guidelines

- 5.4.1. The following is a list of relevant section 28 Ministerial Guidelines:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas including the associated Urban Design Manual.

- Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities as updated March 2018.
- Design Manual for Urban Roads and Streets (DMURS)
- The Planning System and Flood Risk Management Guidelines for Planning Authorities including the associated Technical Appendices
- Childcare Facilities Guidelines for Planning Authorities
- Urban Development and Building Heights Guidelines for Planning Authorities
- Architectural Heritage Protection Guidelines for Planning Authorities and the accompanying Architectural Heritage Protection for Places of Public Worship Guidelines for Planning Authorities.

5.5. **Kildare County Development Plan 2017-2023**

- 5.5.1. Maynooth is designated as a Large Growth Town II in the core strategy, with a target for an additional 3,542 dwellings to be provided there during the plan period with a capacity deficit of 1,157 no. units due to insufficient zoned land. Policy DL1 is to promote a high quality of design and layout in new residential developments. Policy PS2 is to protect the curtilage and attendant grounds of protected structures from inappropriate development. PS3 is that new works do not obscure principal elevations of protected structures. St. Mary's Church is a protected structure. Chapter 17 sets out development control standards. Section 17.2.1 states that building heights should respect the local streetscape, with the impact on any protected structure a relevant factor, Section 17.2.2 sets a site coverage limit of 80% for town centres, while table 17.1 specifies plot ratios of 1.0-2.0 there. Greenfield residential developments require 15% of the site to be provided as public open space, according to section 17.4.7, with a standard of 10% for other sites. Table 17.9 sets car parking standards of 1.5 spaces per apartment with 1 visitor space for every 4 apartments, and 1 per 10 sq.m. of restaurants/cafes and 0.5 for each staff member in a crèche and 1 for every 4 children. The non-residential standards are maximum limits. Table 17.10 sets cycle parking standards of 1 per apartment with 1 visitor space for every 2 units, with 1 per 30 sq.m. of public floorspace in cafes/restaurants and 1 for every 5 staff in a crèche and 1 for every 10 children.

5.5.2. Proposed Variation No. 1 of the Kildare County Development Plan 2017-2023

Draft Variation No. 1, published on 9th January 2020, proposes amendments to the development plan in accordance with Project Ireland 2040, the National Planning Framework and the Eastern and Midlands RSES. Maynooth is designated as a Key Town in the RSES and is at the top of the proposed revised Settlement Strategy, along with Naas. Section 3.5 of proposed Variation No. 1 states:

It is acknowledged that Maynooth is designated as a Key Town in the Regional Spatial and Economic Strategy for the Eastern and Midlands Region, and also forms part of the north - west corridor area under the Metropolitan Area Strategic Plan (MASP) and provides significant levels of employment through Maynooth University, the M4 Business Park and other businesses. It is also recognised that the town is served by high capacity public transport which will continue to improve with the electrification of the railway line over the next 6 - 8 years. The population of the town in 2016 was 14,585 with a housing stock of 5,171 units. The town has experienced significant levels of new residential development both in private housing and student accommodation over the past 5 years and with extant permissions and pipeline developments, will see these levels continue for the next 3 years. New housing development on the Dunboyne, Celbridge and Dublin Roads provide for an additional 1,400 units and the proposed new neighbourhood at Railpark which will be facilitated by the LIHAF (Local Infrastructure Housing Activation Fund) funded Maynooth Eastern Relief Road will deliver between 800 and 900 units. There is further potential for the consolidation of the town through the redevelopment of a number of town centre sites. The delivery of these additional 2000+ units will result in a 38.6% increase in housing stock over a relatively short period of time. In order to allow these developments to be realised and for the town to continue to develop at a sustainable rate it is proposed that Maynooth will retain its current county allocation of 10.9%. Such a provision over the short - term (for the duration of this CDP up to 2023) will provide an opportunity for the town to absorb recent and pipeline developments. In allowing this 'absorption period', the Council will also be in a position to identify other social and physical infrastructure needs (through the preparation of an infrastructural assessment in accordance with Appendix 3 of the NPF) which will inform the sustainable development of the town into the future.

This Plan also acknowledges Regional Policy Objective 4.35 of the RSES which requires Kildare County Council to prepare a Joint LAP for Maynooth with Meath County Council in order to deliver a coordinated planning framework for the town.

This equates to an overall dwelling target of 675 units up to 2023, as per the proposed revised Settlement Hierarchy set out in Table 3.3 of draft Variation No. 1.

5.6. Maynooth Local Area Plan 2013-2019

- 5.6.1. The site is zoned under objective A1 'Town Centre' with the following stated objective:

To provide for the development and improvement of appropriate town centre uses including retail, commercial, office, residential, amenity and civic use. The purpose of this zone is to protect and enhance the special character of Maynooth town centre and to provide for and improve retailing, residential, commercial, office, cultural and other uses appropriate to the centre of a developing town. It will be an objective of the Council to encourage the full use of buildings, backlands and especially upper floors. Warehousing and other industrial uses will not be permitted in the town centre.

- 5.6.2. LAP policy HP1 is to facilitate sustainable development of the town that reflects its character. Policy HP2 is that density and design of development respects the character of the existing and historic town in terms of structure, pattern, scale, design and materials with adequate provision of open space. Policy HP5 is to require applications for residential development of more than 20 units to demonstrate an appropriate mix of types having regard to the existing housing stock and social mix in the area; the desirability of providing mixed communities; the provision of a range of housing types and tenures; the need to provide a choice of housing types and tenures; the need to provide a choice of housing for all age groups and people at different stages of the life cycle; and the need to provide for special needs groups. Policy HP6 is to restrict apartment developments generally to the University campus and town centre locations or suitably located sites adjoining public transport connections. Apartments will not be permitted where there is an over concentration of this type of development. Higher density schemes will only be considered where they exhibit a high architectural design standard creating an attractive and sustainable living environment. Section 7.5.4 states that the council will seeks

pedestrian and cycle linkages in new developments. Policy FRA 8 is to create buffer zones between all watercourses and new development. Those along the Lyreen River shall not be less than 10m wide.

5.7. Statement of Consistency

5.7.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines, the Kildare County Development Plan 2017-2023, the Maynooth LAP 2013-2019 and other regional and national planning policies. The following points are noted.

- The development will result in the delivery of residential units on a vacant infill site served by public transport at a town centre location and close to the university, in line with national planning policy on residential development.
- The development has been designed to comply with the standards of the apartment guidelines. It is not a Build to Rent scheme.
- The proposed residential density of 114 units /ha is in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, given the town centre location and accessibility to public transport.
- The development is consistent with the 12 criteria set out in the Urban Design Manual.
- The development complies with DMURS with regard to pedestrian and cycle connections and roads layout.
- The proposed quantum of childcare provision is adequate with regard to the Childcare Guidelines and the Apartment Guidelines.
- A comprehensive Site Specific Flood Risk Assessment (SSFRA) has been carried out of the development, which demonstrates that it will not result in increased flood risk elsewhere. The development provides flood storage at the areas of open space along the Lyreen River, which include a 10m buffer zone. It is submitted that the development therefore complies with criterion 2(i) of the Guidelines for Planning Authorities on The Planning System and Flood Risk Management. The development includes raised finished floor levels and will result in good urban design and active streetscape at Mill Street.

- The development has been redesigned with regard to the refusal reasons of ABP-301775-18 regarding adverse effects on St. Mary's Church. Block A has been relocated 4.5m further from the southern boundary wall of the church and block B1 has been reduced in height from four to three storeys. It is submitted that this provides an acceptable context for the church with regard to the Architectural Heritage Protection Guidelines. Various precedents of apartment developments adjacent to church buildings are cited.
- The proposed 3-6 storey height of the development is in accordance with the performance driven approach of the Building Height Guidelines and at an appropriate urban location. The application also responds to the development management criteria set out in the Guidelines.
- The development will contribute to the housing targets set out in the County Development Plan.
- The proposed car parking provision falls short of development plan standards but is acceptable in view of the town centre location, access to public transport and the guidance on car parking in the Apartment Guidelines.
- The residential density, site coverage and plot ratio are in accordance with development plan standards.
- The development is consistent with the A1 town centre zoning of the site under the Maynooth LAP. The LAP also supports the development of infill sites, ref. section 4.0, also higher densities at town centre locations, ref. section 7.1.1. and apartments at town centre locations ref. policy HP6. The proposed housing mix is in accordance with LAP policy HP5. The development is in accordance with town centre policies as it is a sustainable use of a key infill site and the provision of car parking at basement level allows for a pedestrian friendly streetscape with new pedestrian connections at the Lyreen River. A SSFRA is submitted and a 10m buffer is provided at the Lyreen River as per LAP policies on flood risk. The development has been designed to respect the setting of St. Mary's Church as per LAP policy on architectural and archaeological heritage.

6.0 Third Party Submissions

6.1. There are two third party submissions from (1) the Parish Committee of St. Mary's Church and (2) Maynooth Community Council. The main points raised may be summarised as follows.

6.2. Third Parties General Issues

- Development would result in traffic congestion in the area and create a traffic hazard.
- Development does not provide sufficient detail regarding the riparian strip / landscaped buffer between the site and the Lyreen River. Potential increased flood risk as a result of the development due to loss of floodplain storage.
- Development does not encourage place making in Maynooth as it is inward looking with little integration with the local environment. Impact of development on St. Mary's Church, a protected structure.
- Adverse impacts on the streetscape in the centre of Maynooth.
- Lack of social infrastructure in Maynooth, e.g. childcare and medical facilities.
- Impacts on the Lyreen River.
- Removal of trees on the site and impacts on bats.
- Concern about the capacity of the public water supply to cater for the development.
- Existing carboniferous limestone verves at the site should be preserved.

6.3. Third Parties Impact on St. Mary's Church

- The submission by Hughes Planning Consultants on behalf of the Parish Committee of St. Mary's Catholic Church includes reports by local historian Peter Nevin and Blackwood Associates Conservation Grade 1 Accredited Architects.
- It is submitted that St. Mary's Church has considerable architectural, historic, social and cultural significance to the area, as set out in the above reports. The scheme would result in overdevelopment of the site and is unsympathetic to the setting and character of the church.

- The design of the development is not site specific. While the building line is respected, the proportions, scale, massing, height and roof design fail to provide a sense of relationship with existing structures notably St. Mary's Church.
- Adverse impacts on the setting of the church and the wider streetscape due to the height of the elevation at Mill Street.
- Proposed development is too close to the church.
- Potential impacts on the integrity of the church boundary wall and on the church structure, particularly in relation to Block A and basement construction. The boundary wall is owned by the church and no consent has been given to include it within the development site boundary.
- Existing trees along the church boundary should be retained in any development at this site.
- Development will have a significant impact on the quantity and quality of natural light within the church, in particular light reaching the stained glass window in its southern elevation.
- The development previously permitted at the subject site comprised blocks arranged in a better format and at a lower height of 11.5m.
- Development would contravene development plan policy PS2 in relation to development within the curtilage of a protected structure.
- Development is inconsistent with section 5.1 of the Architectural Heritage Protection Guidelines for Planning Authorities as it fails to protect the important setting and social significance of St. Mary's Church.
- Development involves the removal of the historic boundary wall along Mill Street.
- The application lacks objective assessment of archaeological impacts, an issue of relevance given the proximity of the site to the church, river and William Bridge.
- Surface water drainage from the church grounds will be compromised by the development.
- The effects of excess noise pollution during construction will have adverse impacts on the daily running of the church, e.g. funerals.

6.4. I have considered all of the documentation included with the above third party submissions.

7.0 Planning Authority Submission

7.1. Kildare County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i) and the views of the relevant elected members at the Clane-Maynooth Municipal District Meeting of 10th January 2020. The submission incorporates reports by the Planning Dept. dated 4th February 2020; Architectural Conservation Officer (undated); Parks Section dated 17th January 2020; Transportation Dept. dated 18th January 2020; Water Services dated 17th January 2020, also a submission by the HSE dated 13th January 2020.

7.2. The following points of the planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) are noted:

- The plot ratio is in accordance with development plan standards. The density is acceptable in principle provided that all other matters are considered acceptable including visual appearance, impact on adjoining properties including protected structures and the character of the area.
- It is evident from the plans submitted that the development will obscure views of St. Mary's Church and will have a significant impact on the setting of the church. The planning authority consider that the development will have a material impact on the character of the building and obstruct vistas. It is not considered that the revised building line of Block A will sufficiently mitigate the negative impact. The development would affect the relationship of the protected structure to its surroundings and attendant grounds. Its position as a focal point will be somewhat diminished. Ref. Maynooth LAP policy that new development respects the character of existing and historic town in terms of structure, pattern, scale, design and materials with adequate provisions of open space. The development as proposed does not respect the character of the existing and historic town and has a significant negative impact on the protected structure.
- The submitted Townscape and Visual Impact Assessment report does not fully consider potential impacts on the adjacent ACA. The planning authority does not

concur with the views expressed in the report and considers that the impact is significant and will prove difficult to assimilate. The overall height of the development will have a significant visual impact given the relative levels of the development site.

- The report of Kildare County Council Conservation Officer includes the following recommendations:
 - Block B to be set back and scaled back to respect the architectural hierarchy of St. Mary's Church protected structure and to avoid overshadowing of stained glass windows. Development should also respect the architectural hierarchy of the church, its elevational expression and its curtilage, setting and context through the modelling of the proposed building form, enclosure and roof height.
 - The stone wall and wrought iron gates along the western site boundary (frontage to Mill Street) should be retained, recorded and remain in situ for reuse. Any intervention should copy the existing stone pattern.
 - Screening to protect views and prospects within the Pound Lane ACA.
 - Make an urban design link with the former RC chapel at the old Band Hall on Chapel Lane through the modelling of the proposed building, form, enclosure, roof height and landscape framing.
- While it is acknowledged that the development does provide a crèche and a restaurant / café, it is however predominantly a residential scheme on a prime town centre site. Given the location of the development and the zoning objective pertaining to the site, it must be questioned if the SHD process is the most appropriate avenue to develop the site.
- It is considered that the development given its scale and mass would have a negative impact on the setting of the Lyreen River and the adjoining open space at Pound Lane.
- The scheme includes a number of single aspect apartments with a northerly aspect that do not face an amenity area. It would be appropriate that such units are reconfigured.

- Further consideration needs to be given to the sustainability and durability of the finishes proposed throughout the scheme.
- While the open space provision for children is noted, the mix of unit sizes in the scheme is unlikely to lend itself to occupancy by families. Aside from the Lyreen River walkway, much of the remaining open space is essentially incidental to the overall scheme and provides buffering rather than serving any recreational function. Further detail is required to ensure that the Lyreen River walk is linked and extended into the adjoining Mariavilla development. The plaza to the front of Block A requires further consideration and detailing. The crèche play area is considered acceptable.
- The report of Kildare County Council Parks Section states that the tree and hedgerow proposals and landscape design are satisfactory in principle, however the application contains insufficient details regarding trees adjacent to the Lyreen River. Revised detailed landscaping proposals are required, also details of tree protection measures. Further details are also required of the proposed pedestrian / cycle link to the Mariavilla development at the Lyreen River, which should be designed in consultation with the Mariavilla developer Cairn Homes. Permission is recommended subject to conditions, including one requiring a special contribution towards the provision of a pedestrian link to Pound Park similar to that conditioned by ABP on the Mariavilla permission granted under ABP-301230-18.
- The car parking provision falls short of development plan standards but is considered reasonable given that the site is 500m from Maynooth train station and 400m from existing bus stops, also that an additional bus stop is proposed as part of a Part VIII scheme. The cycle parking provision is welcomed. The report of Kildare County Council Transportation Dept. states no objection subject to conditions.
- The report of Kildare County Council Water Services recommends refusal for two reasons:
 - Unclear if the Justification Test for development management under The Planning System and Flood Risk Assessment Guidelines for Planning Authorities has been complied with regarding not increasing flood risk

elsewhere and minimising flood risk to people and property as far as possible.

- The proposed surface water drainage design is preliminary and indicative in nature and does not permit a proper assessment of required compliance with the Greater Dublin Strategic Drainage Study Regional Drainage Policies.
- The PA planning report considers that, having regard to:
 - The Kildare County Development Plan 2017-2023, particularly Chapter 12 as it relates to protected structures and architectural conservation areas.
 - The Maynooth Local Area Plan 2013-2019 including the zoning of the subject lands as 'A1 – Town Centre' which provides for a range of town centre uses.
 - The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the Urban Design Manual.
 - The Planning System and Flood Risk Management Guidelines

It is not considered that the scheme would be in accordance with all of the above as it would be visually obtrusive, would negatively impact upon nearby protected structures and views from the adjacent Architectural Conservation Area River and does not fulfil the uses required for a town centre zoning. Furthermore, it has not been demonstrated that the development would not increase the risk of flooding in the area.

7.3. PA Conclusion

7.3.1. The planning authority recommends refusal for the following reasons:

- The proposed development, located on lands which are zoned A1, Town Centre, where it is an objective to provide for a mix of uses appropriate to a town centre location, and to protect and enhance the special character of Maynooth town centre. It is considered by reason of the predominance of residential uses on the site, notwithstanding the restaurant / café and three small office spaces, that the development does not provide for an adequate mix of uses to reflect the town centre zoning. The development would therefore contravene materially the

zoning objective pertaining to the site and would be contrary to the proper planning and sustainable development of the area.

- It has not been demonstrated to the satisfaction of the planning authority that the proposed development would not pose an increased flood risk to third party properties and lands arising from the loss of floodplain storage. It is considered that the proposal has not been subject to an appropriate flood risk assessment that would satisfy criterion no. 2 of the Guidelines for Planning Authorities on the Planning System and Flood Risk Management issued by the Department of the Environment, Heritage and Local Government. The proposed development would therefore be contrary to the provisions of these Ministerial Guidelines, and would be prejudicial to public safety, and would therefore be contrary to the proper planning and sustainable development of the area.

8.0 Prescribed Bodies

8.1. Irish Water

- 8.1.1. Based upon the details provided and the Confirmation of Feasibility already issued, Irish Water confirms that subject to a valid connection agreement being put in place between Irish Water and the developer, the proposed connection to the Irish Water network can be facilitated.

8.2. Transport Infrastructure Ireland (TII)

- 8.2.1. TII has no observations to make.

8.3. Inland Fisheries Ireland

- 8.3.1. The following points are noted:
- The development is within the River Rye water catchment, an important salmonid system. The development is directly adjacent to the Lyreen River, an important salmonid tributary of the River Rye water and a system that is defined as poor under the WFD and at risk of not achieving 'good' status. IFI is opposed to any development on floodplain lands.
 - Ground preparation and associated construction works, including large-scale topographic alteration and the creation of roads and buildings (as proposed) have

significant potential to cause the release of sediments and pollutants into surrounding watercourses. IFI have concerns about the excavation of the basement area and the proximity to the river. It is a very restricted site and IFI in past experience found that sites in close proximity to watercourses had great difficulty in controlling sediment runoff, particularly in the winter months.

- Mitigation measures are recommended including a Construction Management Plan.
- It is essential that the receiving foul and storm water infrastructure has adequate capacity to accept predicted volumes from this development with no negative repercussions for quality of treatment, final effluent quality and the quality of receiving waters.

8.4. National Transport Agency

8.4.1. The following points are noted:

- The NTA supports the proposed infill development in principle. The site has good access to multiple transport links within a 500m radius including bus and rail connections.
- The NTA is currently examining options for a bus service on Moyglare Road as part of the Bus Connects Dublin project. It is anticipated that bus infrastructure will be required in the vicinity of the existing Maynooth University – Moyglare Road junction. The NTA understands that the local authority is of the view that a bus stop will be required on Mill Street to serve bus passengers and that the subject site is the most appropriate location on the road for bus stop facilities. The NTA recommends that provision is made for a bus stop along the road frontage of the site. A 6.5m setback would be required to provide space for this facility, as per Option 2 proposed by the applicant.
- The NTA has agreed to provide funds for improvements to Mill Street to address deficiencies for sustainable transport. The impact of additional traffic and turning movements would impose substantial additional traffic congestion and potentially reduce safety for all modes of travel. While the NTA acknowledges the significant decrease in car parking associated with the current application, it will still give rise to additional peak hour traffic associated with the proposed land uses.

- Given the location of the site relative to the town centre and university campus, the NTA questions the necessity for the proposed quantum of car parking for the café use or the need for any parking for this use.
- Recommend additional cycle parking provision for drop off and visitor cycle parking at ground level for the crèche and café. Also, apartment visitor cycle parking spaces should be at ground level.
- Mill Street is currently the subject of a Part VIII scheme which is at the detailed design stage and is the subject of NTA funding. The applicant is requested to take cognisance of the Part VIII scheme and works which will commence to alter the road profile to accommodate an improved footpath and cycle lane which will run along the site boundary.
- Drawings should be submitted indicating pedestrian and cycle permeability to the Mariavilla site.

8.5. Department of Culture, Heritage and the Gaeltacht

8.5.1. The following points are noted:

- The development includes the provision of a walkway / cycleway along the Lyreen River, which is hydrologically connected to the Rye water Valley / Carton SAC (Site Code 001398). The proposed walkway / cycleway includes public lighting, concrete foundations and separate carriageways for cyclists (tarmac) and pedestrians (block paving). ABP, when concluding Appropriate Assessment, must ensure that the construction of this walkway / cycleway will not have the potential, either alone or in combination with other plans or projects, to adversely affect the integrity and conservation status of the Rye Water Valley / Carton SAC.
- The Lyreen River functions as a foraging corridor for bat species. Recommend that an intact vegetation buffer should remain at the river's edge, also lighting proposals must comply with Eurobat Guidelines.

9.0 Planning Assessment

9.1. The following are the principal issues to be considered in this case:

- Principle, Quantum and Density of Development
- Design and Layout of Residential Development
- Townscape, Visual and Architectural Heritage Impacts
- Building Height
- Drainage, Flood Risk and Site Services
- Roads and Traffic / Transport Impacts
- Other Issues

These matters may be considered separately as follows.

9.2. Principle, Quantum and Density of Development

9.2.1. The development site has the zoning objective 'A1 Town Centre' under the Maynooth Local Area Plan 2013-2019. The proposed residential, café and childcare uses are all permissible in principle under this zoning objective. The planning authority considers that the development does not contain an appropriate mix of uses to reflect its town centre location and recommends refusal on this basis. The current LAP and A1 zoning objective were in force when permission was refused for ABP-301775. I note the Inspector's Report of ABP-301775-18, which considered that the provision of residential development at this town centre location is in line with the designation of Maynooth as a Large Growth Town in the County Development Plan, as well as with the objectives of the National Planning Framework to provide additional development within the existing built up area of towns. The status of Maynooth within Co. Kildare and the MASP area is also strengthened in proposed development plan Variation No. 1, published on 9th January 2020, under which Maynooth is designated as a 'Key Town' along with Naas at the top of the county settlement hierarchy. I note in particular the following statement at section 2.11.1 of proposed Variation No. 1:

Naas and Maynooth are identified as Key Towns. They have the potential to accommodate commensurate levels of population and employment growth,

facilitated by their location on public transport corridors and aligned with requisite investment in services, amenities and sustainable transport. The growth of the Key Towns will require sustainable, compact and sequential development and urban regeneration in the town core.

Draft Variation No. 1 retains the allocation of 10.9% of county population growth for the plan period, in order to 'absorb' the sequential development of zoned lands, recently permitted / completed residential developments and potential redevelopment of town centre sites. The proposed residential development is consistent with this overall strategy. I therefore concur with the view expressed in the Inspector's Report of ABP-301775-18 and consider that the development will support the achievement of housing targets for Maynooth and the MASP. I also note that none of the Board's refusal reasons for ABP-301775 refer to the principle of residential development at this site.

- 9.2.2. The development has a stated residential density of 114 units/ ha, which is a reduction on the 129 units/ha proposed under ABP-301775-18. The site is located on bus corridor routes along the Moyglare Road where there is a current Part VIII scheme relating to pedestrian and cycle infrastructure. The NTA is currently examining options for a bus service on Moyglare Road as part of the Bus Connects Dublin project. The site is also c. 500m from Maynooth rail station. Section 5.5 of the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities identifies the centres of 'large towns' as appropriate locations for higher densities. Section 5.8 of the Guidelines provides that increased densities should be promoted within 500m walking distance of a bus stop or within 1 km of a light rail stop of rail station. The development site fulfils these criteria. With regard to building height, I consider that the site would meet the criteria set out in section 2.12 of the Urban Development and Building Heights Guidelines for Planning Authorities and section 2.4 of the Apartment Guidelines for 'central and/or accessible' urban locations that are suitable for higher residential densities. The proposed development is therefore in accordance with national planning policy. It is also consistent with LAP policy HP6 to restrict apartment development generally to the University campus and town centre locations or suitably located sites adjoining public transport connections.

9.2.3. I note the submitted Statement of Housing Mix, which states that apartments form a low percentage of the overall housing units in Maynooth at 17.6%. The provision of apartments at this location will provide a more varied overall housing mix adjacent to the university and within the town centre and is therefore to be welcomed. The development is considered to be consistent with LAP policy HP5 with regard to housing mix. The proportions of one, two and three bed units within the scheme at 43 no. 1 bed units (36%), 70 no. 2 bed units (58%) and 7 no. 3 bed units (6%) are also in accordance with SPPR 1 of the Apartment Guidelines.

9.2.4. The development is considered to be acceptable in principle on this basis.

9.3. **Design and Layout of Residential Development**

9.3.1. The development is laid out in four blocks with the four storey Block A to the immediate south of St. Mary's Church, facing a plaza at the frontage to Mill Street. The restaurant / café and crèche are located on the ground floor of Block A and present active uses to the street frontages. The plaza interface with Mill Street includes hard and soft landscaping and public seating and is laid out as two 'options' to provide for the introduction of bus infrastructure and the Part VIII scheme. The vehicular access to the development is to the south of Block A, leading to a ramp to the basement car park which is situated between Block B1 and the rear boundary of St. Mary's Church. There are three separate blocks in the eastern part of the development which are grouped around a central landscaped public open space. Block B1, to the rear / east of the church is 4-5 storey with a split level such that there are four units at semi-basement level. Block B2 (6 storey) is situated on the eastern side of the site and has been designed to interact with the adjacent public open space and student accommodation blocks within the Mariavilla development ref. ABP-301230-18. Block C (5 storey) is at the south western corner of the site, adjacent to the Millrace apartment complex. I consider that the proposed layout provides adequate intervening distances between blocks within the development and note that elevations are angled to prevent direct overlooking between habitable rooms.

9.3.2. The apartments are designed to comply with the standards set out in the Apartment Guidelines. Blocks A, B1 and B2 are laid out on an east / west orientation such that there are no north facing single aspect units. Individual units are facing communal

areas within the scheme, the rear of St. Mary's Church or an adjacent communal area within the Mariavilla scheme. The lowest floor of Block B1 is split level such that there are four units at semi-basement level. These are single aspect and west facing, overlooking the central amenity area. Single aspect units within Block C are facing south to the Lyreen River. The overall proportion of dual aspect units is 70 no. units or 58% of apartments are dual aspect, which is acceptable with regard to SPPR 4 of the Apartment Guidelines. The apartment floor areas generally exceed the standards set out in SPPR1 of the Apartment Guidelines by over 10% and meet or exceed the requirements for storage space aggregate bedroom and living / dining/ kitchen floor areas. Ground floor to ceiling heights meet the 2.7m requirement as per SPPR 5. There is a maximum of 8 units per lift / stair core as per SPPR 6 of the Guidelines.

- 9.3.3. Private amenity space is provided in the form of balconies / terraces which are east, west or south facing and exceed the quantitative standards set out in Appendix I of the Apartment Guidelines and are finished with glazed screens. The development has two main areas of communal open space, i.e. Area 1 at the centre of the site (stated area 1,235.49 sq.m.) and Area 2 along the Lyreen River (stated area 890.82 sq.m.), a combined total of 2126.31 sq.m. or c. 20% of the overall site area. This quantum is acceptable with regard to development plan standards and to the communal amenity space requirements of Appendix I of the Apartment Guidelines. The development is to be laid out such that finished surface levels are consistent with Mill Street, to allow for level pedestrian connections through the site. There is no vehicular access to the central open space with just a turning area to be used for deliveries and emergency access. The proposed landscaping scheme indicates a play area and passive open space in the central open space. This merges with the Lyreen River edge with a pedestrian route connecting to the Mariavilla development. The proposed communal bin storage and cycle parking facilities are generally acceptable. I am satisfied that the development provides a high standard of amenity and public realm for residents of the scheme that will also contribute to place making in the wider area.
- 9.3.4. To conclude, I consider that the development provides an acceptable standard of residential accommodation for future occupants and is generally satisfactory with regard to national and development plan guidance for residential development.

9.4. **Townscape, Visual and Architectural Heritage Impacts**

- 9.4.1. The history of the development site and the surrounding area are outlined in the Architectural Heritage Impact Assessment on file. Historic mapping indicates that there were a quarry and a lime kiln at the development site in the 19th century, also a police station that was converted to a private dwelling by 1850. The house has been demolished and there are no upstanding remains of any quarry related structures at the site, which has been vacant for a considerable period according to historical records. Excavation works were carried out in recent years pursuant to the planning permissions granted at the site. The historic features at the site co-existed with St. Mary's Church, which dates to 1834-40. The church is included on the Record of Protected Structures for Co. Kildare (RPS Ref. B05-58) and on the National Inventory of Architectural Heritage (Ref. 11803101), where it is rated as of regional importance. St. Mary's Church is within a larger complex of religious buildings including the 19th century Maynooth Parochial House north of the church (RPS Ref. B05-63, NIAH Ref. 11803108) and the 20th century Divine Word Missionaries complex, which is not included the RPS but which has historic significance due to its design by Andrew Devane, an important Irish Modernist architect. The setting of the church and associated buildings has changed in recent years with changes to the road layout and the construction of the Manor Mills mixed use development. In the wider area, there is an Architectural Conservation Area (ACA) at the centre of Maynooth, nearby to the south of the development site. The ACA includes lands at Pound Lane on the opposite side of the Lyreen River, which have direct views of the development site.
- 9.4.2. Refusal reason no. 1 of ABP-301775-18, which specifically relates to impacts on the setting of St. Mary's Church, refers to impacts on both the setting of the protected structure and on the level of light reaching the stained glass windows on the eastern and southern elevations of the church. I note section 5.1 of the Architectural Heritage Protection Guidelines for Planning Authorities, which states that places of public worship are often the finest and most prominent buildings in their locality and are of particular architectural, historical and social interest. It is clear from the historical information submitted that the development site never formed part of the original grounds of the church and has always been functionally separate and therefore is not part of the curtilage of St. Mary's Church as defined in section 13.1 of the

Architectural Heritage Protection Guidelines. Potential impacts on the setting of the church must also be considered in the context of the previous permissions for development already granted at the subject site and of its town centre zoning. In addition, the existing setting of the church could reasonably be described as mixed with the six storey Manor Mills mixed use development immediately across the road, the modern four storey Millrace Manor apartment development to the immediate south of the site. Construction is also underway at the Mariavilla development further to the north and immediately east of the site. The proposed four storey Block A at the Mill Street frontage matches the building line of the church and includes active ground floor uses and a public plaza facing the street, with landscaping, public seating and provision for bus infrastructure. The façades of Block A are finished with a prefabricated panelised system with vertical fins and large amounts of glazing. The cross sections indicate that Block A is at a lower ground level than the church and its overall height and bulk are such that it will be visually subservient to the church building and will not challenge the visual primacy of the main façade of the church when viewed from Mill Street and the R148 Kilcock Road. While Block A will obscure views of the southern elevation of the church from areas to the south, this would be the case for any development in this part of the site. It is submitted that Block A is located such that views of the tower and the western end of the body of the nave will be retained and this point is accepted. The inclusion of a building at this location is necessary to ensure an active frontage to Mill Street and has previously been permitted by the planning authority. I am satisfied that the southern elevation of Block A is of reasonable quality. Block A has a contemporary design that contrasts with the historic church; however, I accept that this approach has been permitted by the Board in several instances as set out in the Planning and Design Statements. Views from Mill Street and the R148 Moyglare Road are assessed as viewpoints 1 and 2 in the Townscape and Visual Impact Analysis (VIA), which describes the area as having a good ability to absorb change due to its mixed character and assesses impacts at these locations as ‘moderate’ and ‘substantial’. Having regard to the submitted 3D model and photomontages, I am satisfied overall that Block A will provide an acceptable contribution to the streetscape of Mill Street and that, given the existing mixed character of the immediate vicinity, it will not detract from the setting of St. Mary’s Church protected structure such as would warrant a refusal of permission. I note that Kildare County Council Conservation Officer recommends

that the existing stone wall and wrought iron gates along the Mill Street site frontage should be retained, recorded and remain in situ for reuse. The wall dates to post 1850 and is not associated with St. Mary's Church. I accept that its retention would preclude the creation of an active streetscape at this location including the proposed bus infrastructure and therefore recommend a condition requiring that it is recorded by photographic record if permission is granted.

- 9.4.3. The NIAH assessment of St. Mary's Church specifically mentions the quality of its interior, which:

"... incorporates features of considerable artistic merit including delicate stained glass windows, a fine plasterwork ceiling, and an ornate carved timber reredos to the altar..."

Blocks A and B1 within the development are to the immediate south and east of the church respectively. Block A is set back c. 4m from the southern church boundary wall with an intervening landscaped area. Block B1 is set back c. 12m from the shared boundary with the intervening area occupied by a ramp leading to the basement car park. It is submitted that Block A has been relocated 4.5m further from the southern boundary wall of the church compared to this part of the development proposed under ABP-301775-18, also that Block B1 has been redesigned from the previous proposal and reduced in scale with the intervening separation distance from the rear building line of the church increased from 11m to 18m. These measures are stated to reduce visual dominance relative to the church and provide for light access to its stained glass windows. The Light Impact Assessment analyses impacts on the stained glass windows of the church. It finds that all windows within the church will pass BRE Vertical Sky Component (VSC) requirements for domestic buildings for both annual and winter sunlight hours. The VSC for the stained glass window over the altar (window no. 7) would be reduced from 39.3% to 35.1% and its Annual Probable Sunlight Hours (APSH) would be reduced from 40% to 35%. The APSH for windows on the southern elevation of the church are generally reduced from between 74.3% and 86.6% to between 67.1% and 73.4%. This represents a significant improvement on the figures for ABP-301775-18, as set out in the Inspector's Report. The report of Kildare County Council Conservation Officer recommends that Block B1 should be set back and scaled back to respect the architectural hierarchy of the church. However, rather than require substantial

amendments by condition, I consider that a preferable approach would be to omit Block B1 by condition. The applicant could then propose a new design for this part of the site to address concerns raised, that would be subject to a separate planning application with consequent planning assessment and third party participation. However, on balance, having regard to the detailed design of Block B1 and its associated basement and access ramp, to the intervening distance and to the submitted light and shadow analysis, 3D model and photomontages, I consider overall that Block B1 is acceptable as currently proposed and that, in the context of the land use zoning and the evolving nature of this urban location, it will not have significant detrimental impacts on the setting of St. Mary's Church such as would warrant its omission by condition or a refusal of the entire scheme. I am also satisfied with regard to the shadow analysis that the development would not result in significant loss of light to the stained glass windows within the church with consequent injury to the special artistic interest of these features of the protected structure.

- 9.4.4. I note the third party concerns regarding structural impacts on the church during construction and impacts on the boundary wall. The existing masonry wall along the southern and eastern boundaries of the church is to be retained. The application includes a Methodology Statement for the proposed basement construction, which considers impacts on the church boundary. The basement access ramp is to the immediate south of the boundary wall and the basement area itself wraps around the southern and eastern church boundaries. The Methodology Statement states that the new basement wall structures are positioned approx. 1m from the stone boundary walls for much of their length. The wall at the basement access ramp to the rear of the church is c. 1.5 m from the church boundary wall and c. 2.5m from the body of the church. The methodology sets out a site specific 'Rotary Cased Continuous Flight Auger Piling' system for the entire basement perimeter. This has been designed to address the site constraints including limited space, a high water table associated with proximity to the Lyreen River and the risk of vibrational damage to the church and its boundary walls associated with sheet steel piling. The proposed solution is stated to be designed to resist additional lateral forces generated by the church foundations and boundary walls and will exhibit low values of vibration and noise, also reduced possibility of settlement and damage to the church and boundary

wall. I am satisfied that the proposed site specific basement solution has been designed with due regard to the issues at this sensitive site and that it will reduce or eliminate potential construction risks to the structural fabric and integrity of St. Mary's Church. Conditions requiring the renewal and protection of the boundary wall during construction, along with the use of the proposed basement construction methodology and construction management measures, may be imposed if permission is granted, as recommended in the submitted Architectural Heritage Impact Assessment.

9.4.5. Block B2 at the north eastern site boundary has been designed to provide passive surveillance to an adjacent open space within the Mariavilla development. Block E of the student accommodation permitted within that scheme is adjacent to proposed Block B2, which is angled to prevent direct overlooking of Block E. Having regard to the contiguous elevations, to the relevant cross sections, to the shadow analysis and to the landscaping scheme, I am satisfied that the proposed design and layout will relate well to the adjacent Mariavilla student accommodation development and that there will be no significant adverse impact on residential amenities by way of overlooking, overshadowing or visual obstruction.

9.4.6. The protected structure Maynooth Parochial House and the Divine Word Missionaries complex to the north of the site are both completely screened from the development by mature trees, even during the winter months, as evidenced by the site inspection undertaken on 4th March 2020. Having regard to the tree survey and Arboricultural Report, it appears that many of these trees are located outside the boundaries of the development site. Drawing no. 6529-L-103 provides details of trees in this part of the site and indicates that almost all are to be retained with development set back from the tree protection zone. The proposed landscaping scheme indicates woodland and tree planting inside the northern site boundary, which will supplement existing vegetative cover. While the development will change the context of the adjacent buildings to the north, I am satisfied that subject to the retention and enhancement of the intervening mature vegetation, the development would not have significant adverse impacts on their settings or amenities. A condition requiring tree protection measures during construction may be imposed if permission is granted.

9.4.7. Refusal reason no. 2 of ABP-301775-18 refers to detrimental impacts on the character and amenities of Maynooth due to the bulk, design and location of the

development and to the aspect that it would present to the Lyreen River, dominated by a high wall over which the proposed buildings would appear as structures of substantial mass and extent. The VIA considers impacts on views towards the development from the Maynooth Architectural Conservation Area (ACA), which is located to the south of the site and includes the Pound Lane area within the ACA on the opposite side of the river. The site is prominently visible from within this part of ACA, including Pound Lane Park and an 18th century former parish church on Pound Lane (now a band hall). As per the Architectural Heritage Impact Assessment, there has always been a visual link between the two structures. Having inspected the site and viewed it from various vantage points in the area including within the ACA, I am satisfied that the VIA presents a reasonably comprehensive and accurate representation of likely views of the development. Views from areas to the south of the development as assessed as Viewpoint 3 in the VIA, which assesses the visual impact as 'substantial'. I consider that, while the development will change the outlook of the site from the ACA and areas to the south, including the park and Pound Lane former parish church, this would be the case for any urban development of these zoned lands. The development will be viewed in the context of an evolving urban area, including the adjoining Mariavilla development. The southern elevations of Blocks C and B2 are the most prominent in views from the south of the site. These are finished in brick and have a lower architectural quality than the elevations of Block A. However, I am satisfied overall that the current proposal, which retains a 10m landscaped / pedestrian strip along the Lyreen River that will continue into the Mariavilla development, presents an attractive frontage to the river that represents a significant improvement on the high wall proposed under ABP-301775-18. In addition, the existing groups of poplar and sycamore trees along the riverbank within the site will be retained within the development to ensure bank stability and to provide mature screening and a sense of amenity. I also note that the proposed design and layout retain visual links between St. Mary's Church and the former Pound Lane parish church, as recommended by Kildare County Council Conservation Officer. I therefore consider that the current proposal addresses refusal reason no. 2 of ABP-301775-18.

- 9.4.8. Block C is set back c. 15 – 16m from the adjacent façade of the 2-4 storey Millrace Manor apartment building. As in the development proposed under ABP-301775-18, it

is immediately to the north east of the Millrace Manor block and has a similar alignment. The intervening space is occupied by a pedestrian route and landscaping. I consider that Block C would not have any significant adverse impact on the residential or visual amenities of Millrace Manor by way of overlooking, overshadowing or visual obtrusion.

- 9.4.9. To conclude, having regard to the above, I consider that the development would not interfere with the setting of St. Mary's Church in a manner that would detract from its architectural, social or historic interest. I also consider that the development will, on the whole, represent a positive contribution to the streetscape of Mill Street and will not have significant adverse impacts on views towards the development site and St. Mary's Church from Maynooth ACA or the wider area.

9.5. Drainage, Flood Risk and Site Services

- 9.5.1. The development is to connect to the public sewer and water supply at Mill Street. A foul drainage pumping station will convey flows to the public sewer. I note the correspondence on file from Irish Water, which states that the proposed connection to the IW network can be facilitated.
- 9.5.2. The development site bounds the Lyreen River. The issue of flood risk was a consideration in the assessment of previous proposals at the development site and formed the basis of refusal reason no. 5 of ABP-301775-18. CFRAMS mapping indicates that the 10% AEP flood extent (1 in 10 year flood) covers almost the entire area of the eastern, lower part of the site, i.e. Flood Zone A in The Planning System and Flood Risk Management Guidelines. A smaller area is also located in the 1% AEP (1 in 100 year flood), i.e. Flood Zone B. Proposed blocks B2 and C are therefore located within the flood plain (Flood Zones A and B). In addition, the OPW archive of historical flood risk records shows that flooding occurred in the Lyreen River in November 2002 but it is not known whether the development site flooded in this event. I also note that flooding was recently observed at the development site in February 2020, as per enclosed photographs.
- 9.5.3. Kildare County Council Water Services recommends refusal for the following reasons:
- Unclear if the Justification Test for development management under The Planning System and Flood Risk Assessment Guidelines for Planning Authorities

has been complied with regarding not increasing flood risk elsewhere and minimising flood risk to people and property as far as possible.

- The proposed surface water drainage design is preliminary and indicative in nature and does not permit a proper assessment of required compliance with the Greater Dublin Strategic Drainage Study Regional Drainage Policies.

I also note the submission of Inland Fisheries Ireland, which states concern about the significant potential to cause the release of sediments and pollutants into surrounding watercourses, particularly in relation to the excavation of a basement close to the river.

9.5.4. Given that much of the site is located in Flood Zone A and with regard to Table 3.2 of The Planning System and Flood Risk Management Guidelines, I consider that the 'highly vulnerable' residential development should be subject to a development management Justification Test. The SSFRA includes a development management Justification Test of the development which sets out the following points in response to the criteria set out in Box 5.1 of The Planning System and Flood Risk Management Guidelines for Planning Authorities (in italics).

- 1. The subject lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines.*

The site is zoned for Town Centre development under the Maynooth LAP, which includes a Strategic Flood Risk Assessment. Table 3 of the SFRA refers to the development site as Site No. 1 and notes that permission has been granted for development on these lands and the ground levels significantly reduced such that they are almost completely located within Flood Zones A and B. It recommends that a Site Specific Flood Risk Assessment (SSFRA) be carried out on any future proposals for development of the lands and shall indicate:

- (a) Indicate and quantify the loss of floodplain storage arising from the development proposal;
- (b) Provide compensatory storage located within or adjacent to the proposed development;

(c) Indicate measures to ensure that water-vulnerable elements of the development would not be flooded during a 1 in 1,000 year flood (in this regard a freeboard of 500mm shall be provided).

Given that the site is zoned for development under the LAP, it is considered to meet criterion 1.

2. *The proposal has been subject to an appropriate flood risk assessment that demonstrates:*

(i) *The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk;*

A Site Specific Flood Risk Assessment (SSFRA) is submitted, which assesses flood impacts using a site specific hydraulic model developed using hydraulic modelling software. The SSFRA is based on CFRAMS mapping and LiDAR data from OSi, along with additional site and watercourse surveying of 26 cross sections of the Lyreen River, carried out in July 2017. It is submitted that the site specific model used is therefore a more thorough representation of the Lyreen River and the surrounding floodplain than that used in the Eastern CFRAM study. I note that the SSFRA submitted with ABP-301775-18 was considered deficient on the basis that it did not use the OPW CFRAMS model, however that is not the case in this instance and I consider that the submitted SSFRA is a reasonably robust basis for the assessment of flood impacts outside the development site

Figure 6.2 of the SSFRA compares the modelled flood extent with CFRAMS flood mapping. The revised model shows an overall increased flood risk along the Lyreen River, to a maximum of + 1%. The SSFRA considers potential increased flood risk outside the development site based on the revised flood model. According to SSFRA section 7.2.1, the modelling shows that for the majority of cross-sections there is no difference in level. There is a maximum of 30mm in in-channel water occurs at cross-section LR06 as a result of modifications to the topography of the site due to the development. The model indicates an increase in the water level on the opposite riverbank which is 0.92 m higher than the 1% AEP proposed level, however there is no flood risk to any neighbouring properties, even when a 20% climate change factor

is taken into account. However, I note that as per Figure 7.5 of the SSFRA, the proposed 1% mid-range flood risk scenario flood extent extends around the Millrace Manor apartments. The SSFRA states that the finished floor level of the building is such that there is a freeboard of 200mm including the climate change scenario. However, it is clear that the development will result in increased flood risk at this location.

I note that, as per the Inspector's Report of ABP-301775-18, ground levels at the site were lowered to facilitate a previously permitted development, before which a lesser proportion of the site would have been in Flood Zone A:

Given the imperative to provide a reasonably intense use for such a town centre site, it would not be in accordance with the proper planning and sustainable development of the area to require it to accommodate on an ongoing basis floodwater storage that arose as a result of an abortive development in recent years.

I concur with this view. However, given that the SSFRA indicates that the development will result in increased flooding at the Millrace Manor apartments, I am not satisfied that the development meets criterion 2(i) of the Justification Test.

(ii) *The development proposal includes measures to minimise flood to people, property, the economy and the environment as far as reasonably possible;*

The SSFRA sets out the following flood mitigation measures in the proposed development:

- Buffer zone of 10m along the Lyreen River in accordance with LAP policy FRA8. The area will therefore remain as a floodplain. The landscaped area at the centre of the proposed development will also be available as a floodplain.
- Floor levels of the proposed development will be above a freeboard of at least 925mm. Over 600mm freeboard is provided across the site taking a 20% climate change factor into account.
- It is submitted that the proposed surface water drainage design will provide adequate storage for the volume of runoff generated by the development, in the form of a geocellular attenuation tank located under the open space to the east of

Block B2. Flow from the storage tanks will be discharged to the Lyreen River at pre-development runoff rate of 6 l/s via a flow control system, e.g. a Hydrobrake.

I note the comments of Kildare County Council Water Services regarding the proposed surface water drainage design and I accept that limited details of the drainage design have been provided. I note that, in the case of ABP-301775-18, the location of the proposed attenuation cells was indicative only with their final location to be determined prior to construction. The proposed surface water drainage system indicates an attenuation tank to the east of Block B2, i.e. a greater level of detail has been provided than in the previous proposal. Kildare County Council Water Services has not stated any specific objection to this location. I accept that limited information on SUDS measures has been provided in this instance, however detailed drainage calculations are submitted. I also note that the proposed surface water drainage system has been designed on foot of further section 247 pre-application discussions with Kildare County Council subsequent to the refusal of ABP-301775-18. The planning authority has not stated any specific objection to any aspects of the surface water drainage design, merely that all calculations and drainage layouts are preliminary and subject to detailed design. Such matters would normally be the subject of compliance with conditions of permission and I consider that same is also acceptable in this instance.

(iii) The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk management measures and provisions for emergency services access; and

The SSFRA states that residual risk is low, as the development is protected up to a 1% mid-range future scenario AEP event with additional freeboard. The access road to the site, car park and open space areas are above any flood level (with adequate freeboard), which will ensure emergency access at all times. No specific residual risks have been identified that would necessitate a flood evacuation plan for the site.

- (iv) *The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes.*

The SSFRA states that the proposed flood mitigation measures do not materially impact upon the desired layout, orientation or approach to the proposed development and that they are entirely compatible with wider planning objectives in relation to development of good urban design. These matters are considered further elsewhere in this report.

9.5.5. To conclude, with regard to the above assessment, I consider that:

- The development has been subject to a robust SSFRA, which takes CFRAMS modelling into consideration, in combination with site-specific hydraulic modelling based on detailed survey information and has been subject to sensitivity analysis.
- The development will not result in a significant flood risk to the proposed residential units as the finished floor levels will have adequate freeboard above flood extents.
- The development includes surface water management measures and will discharge to the Lyreen River at the pre-development runoff rate of 6 l/s.
- However, Figure 7.5 of the SSFRA indicates that the proposed 1% AEP mid-range future scenario extends around the Millrace Manor apartments to the south west of the development site. I therefore am not satisfied that the development will not pose an increased flood risk to third party properties due to loss of floodplain storage and it therefore does not meet criterion 2(i) of the Justification Test provided in The Flood Risk Management Guidelines for Planning Authorities.

9.6. Roads and Traffic/Transport Impacts

9.6.1. The site is adjacent to the signalised junction of Mill Street, the L1012 Moyglare Road and the R148 Kilcock Road and is c. 160m to the north of the junction between the R148 and Main Street. There is a substantial amount of traffic in this area associated with its location in the centre of Maynooth and with the Manor Mills

shopping centre, the university campus and several schools. Traffic patterns in the area will change with the completion of the Mariavilla development to the north east of the development site, which incorporates a spine road connecting the Moyglare Road with the R157 Dunboyne Road to the north east that delivers roads objective TR02(d) of the Maynooth LAP. The Kildare County Council Maynooth Town North South Corridor Part VIII scheme approved in 2019 involves upgrading of pedestrian and cycle facilities from the town centre to the Maynooth Education Campus including the Moyglare Road and Mill Street. LAP objective PCO4 includes the development of a cycle routes along the Lyreen River from Pound Park to the LAP boundary and along the Moyglare Road. In the wider area, the Maynooth Outer Relief Road (MOOR) is proposed as several roads objectives within the Maynooth LAP, including between the Moyglare Road and the Kilcock Road in the vicinity of the site, as per LAP Map 1. Meath County Council were granted Part VII approval for the section of the MOOR between Mariavilla and the R157 in 2016, which is to be delivered under a Section 85 agreement with partial LIHAF funding. The Greater Dublin Cycle Network Plan (2013) proposed new primary / secondary routes along the Moyglare Road and the Dunboyne Road. With regard to public transport, Mill Street is served by routes to Dublin city centre and other locations. According to the NTA submission, it is currently examining options for a bus service on Moyglare Road as part of the Bus Connects project. The site is c. 500m from Maynooth train station, which is the terminus of most Iarnród Eireann western commuter trains and is served by the Sligo Inter City service. There a journey time of c. 30 minutes to Heuston Station. The Maynooth to Dublin rail connection is to get a Dart upgrade under the 2040 plan.

- 9.6.2. There is one vehicular access to the development from Mill Street which leads to the basement car park with vehicular movements in the central courtyard limited to emergency access and refuse collection. The access is to function as a shared surface for vehicles, pedestrian and cyclists. Two separate options are provided for the Mill Street frontage of the site, one of which accommodates bus infrastructure. The NTA recommends that provision is made for a bus stop at the road frontage of the development site as per the proposed Option 2. I accept that the Mill Street site frontage cannot be resolved at present given that the Part VIII works and Bus Connects proposals have yet to be finalised. The proposed Option 2 provides an

adequate setback for the provision of bus infrastructure if required at this location and is considered acceptable. The submitted Road Safety Audit is noted in this regard. In addition, the applicant states that the proposed layout has been designed in consultation with Kildare County Council as per Figure 5.2 of the Traffic and Transport Impact Assessment (TTIA). Correspondence on file from Kildare County Council dated 26th September 2019 confirms written permission for the applicant to include lands in its ownership at the road frontage of the site within the subject application. A condition requiring a final layout for this area to be agreed on foot of the Part VIII pedestrian and cycle infrastructure and the future bus route may be imposed if permission is granted. I note that access to the crèche is located on the eastern side of Block A, where there is a paved area and enclosed crèche open space. I have concerns about vehicular management in this part of the site during crèche drop off / collection. Uncontrolled vehicular access to the area during these periods could result in traffic hazard, conflict with the pedestrian and cycle route along the Lyreen River and adverse impacts on the amenities of the public open space within the scheme. I therefore consider that vehicular access should be limited to residents of the scheme, commercial deliveries and emergency and service vehicles and a condition requiring same imposed if permission is granted.

- 9.6.3. The layout includes a pedestrian / cycle route along the Lyreen River, which is to connect with the Mariavilla development at the south eastern corner of the development site. The route continues within the permitted Mariavilla development and eventually connects with the R157 Dunboyne Road to the north east. Condition no. 3(a) of ABP-301230-18 required the relocation of student accommodation Block E within that development 12m further to the east/north-east, in order to provide for the provision of a pedestrian connection to the subject site, which is therefore achieved under the current proposal. Drawing no. PL-16-164-010 provides details of the connection and of the interaction between the related open spaces in both developments. I note the correspondence on file from Cairn Homes, the Mariavilla developer, dated 18th November 2019, which states agreement to the proposed connection, with details to be agreed post-planning. LAP policy AR11 is to create a 50m setback at either side of the Lyreen River at Mariavilla where possible, to create a linear park that will link with Pound Park and Carton Estate and also to create a linkage to Carton Avenue. This was generally achieved within the Mariavilla

development and the current proposal will provide a connection to same. Condition no. 29 of ABP-301230-18 required a special development contribution of €300,000 under section 48 (2)(c) of the Planning and Development Act 2000, in respect of a high quality pedestrian connection bridge over the Lyreen River from the Mariavilla site to Pound Park in accordance with LAP policy AR11 (at a location yet to be determined). The report on file of Kildare County Council Parks Dept. recommends a similar condition requiring the applicant to provide a special development contribution towards the provision of a pedestrian link to Pound Park on the other side of the Lyreen River. The report of Kildare County Council Roads and Transportation Dept. recommends a financial contribution of €150,000. Such a condition would be consistent with the adjoining permission granted under ABP-301230-18 and should be imposed if permission is granted.

- 9.6.4. The previous proposal to develop 135 no. apartments, a crèche and a restaurant / café at the subject site included 190 no. car parking spaces. The Board considered that parking provision to be excessive at this town centre location with regard to section 4.19 of the Apartment Guidelines, ref. refusal reason no. 3 of ABP-301775-18. The proposed development provides a total of 74 no. basement car parking spaces for the entire development. Table 4.1 of the Traffic and Transport Impact Assessment (TTIA) states that the car parking spaces are to be allocated as follows:

Land Use	Development Plan Standard	No. of Spaces
1 bed apartments	75	0
2 bed apartments	123	35 (0.5 spaces per unit)
3 bed apartments	12	7 (1 space per unit)
Office floorspace	4	3
Crèche	13	6
Café / restaurant	25	12
Total	252	74

The TTIA states that the mixed nature of the development will allow for some complementary parking space usage, e.g. crèche staff during weekdays and visitor parking at weekends. This point is accepted. I also note the provision of two Go Car

spaces and the submitted Mobility Management Plan. Section 4.19 of the Apartment Guidelines states that the default policy is for car parking provision to be minimised in higher density developments at central and/or accessible urban locations that are well served by public transport. The proposed car parking provision is acceptable on this basis and I note that Kildare County Council Transportation Dept. states no objection. I note that the NTA submission queries the need for parking for the café use, however I consider that the overall parking provision is low and that details of the exact allocation of spaces for each land use and of parking management for the crèche and café / restaurant may be agreed by condition if permission is granted.

- 9.6.5. A total of 278 no. cycle parking spaces are provided in three separate covered bicycle parking areas at surface level and 124 no. spaces at basement level. This quantum exceeds development plan standards but does not meet the standard for cycle parking provided in section 4.17 of the Apartment Guidelines, i.e. one cycle storage space per bedroom. I also note that the NTA submission recommends increased cycle parking provision at surface level for the crèche and café and visitors to the residential development. In addition, while the provision of cycle parking at surface level adjacent to the apartment buildings is desirable, the proposed cycle parking is provided in the form of a two tier rack system, which is unacceptable. Additional cycle parking and a revised design may be required by condition.
- 9.6.6. The TTIA is based on traffic counts carried out in March 2018 and January 2019 and considers impacts at the Main Street / Mill Street and Kilcock Road / Moyglare Road / Mill Street junctions. The projected traffic flows increase by 1.1.% and 1.4% for the AM and PM peaks respectively at the Main Street / Mill Street junction and increase by 1.2% and 1.4% for the respective AM and PM peaks at the Kilcock Road / Moyglare Road / Mill Street junction. The projected flows are therefore less than the 5% threshold level for material impact as defined in the NRA Traffic and Transport Assessment Guidelines (2014). The TTIA concludes on this basis that the development will not generate any measurable or material traffic impact of the relevant road junctions. The TTIA also notes that traffic circulation in the area will change with the completion of the Moyglare Road to Dunboyne Road link that is currently under construction as part of the Mariavilla development. This will take a considerable amount of traffic out of the centre of Maynooth. Traffic modelling for the junctions for the design year of 2036 indicates that both will be operated within

capacity for the AM and PM peaks, based on the link road being in place. Given the reduced car parking provision since the previous proposal, I do not consider that the development would generate additional traffic such as would warrant a refusal of permission.

- 9.6.7. On this basis, I consider that the development achieves satisfactory car and cycle parking provision and vehicular, cycle and pedestrian connectivity and will enhance vehicular and pedestrian permeability with the wider area. Having regard to the above assessment, I am satisfied that the development will not result in undue adverse traffic impacts such as would warrant a refusal of permission and that any outstanding issues may be dealt with by condition. I consider that the proposed development therefore addresses refusal reason no. 3 of ABP-301775-18

9.7. **Other Issues**

9.7.1. Childcare Provision

The Childcare Facilities Guidelines for Planning Authorities recommend a minimum provision of 20 childcare places per 75 no. dwellings. Section 4.7 of the Apartment Guidelines states that the threshold for the provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One bed or studio units should generally not be considered to contribute to a requirement for any childcare provision and, subject to location, this may also apply in part or whole to units with two or more bedrooms. The development includes 77 no. 2 and 3 bed units, implying a maximum requirement of 20.6 no. spaces to comply with the Childcare Guidelines if all of the 2 bed units are taken into account. The proposed crèche provides 25 no. childcare spaces, which meets the requirements of the Childcare Guidelines.

9.7.2. Part V

The applicant proposes to transfer 12 no. units at the site to Kildare County Council comprising four no. 1 bed apartments and eight no. 2 bed apartments in order to comply with the requirements of Part V of the Planning and Development Act 2000 (as amended). A site layout plan indicating the units to be transferred is submitted, along with costings. The units to be transferred are located throughout the development and are not concentrated in one location as per drawing no. PL-16-

164-009. I note the correspondence on file from Kildare County Council, dated 25th October 2019, which states agreement in principle to this proposal and to the design and location of the proposed units to be transferred. I recommend that a condition requiring a Part V agreement is imposed in the event of permission being granted.

9.7.3. Archaeological Impacts

An Archaeological Impact Assessment is submitted, which is based on a field survey but no archaeological testing. This notes that there are no recorded monuments within or in the immediate vicinity of the development site. No significant archaeological impacts are predicted.

9.8. **Planning Assessment Conclusion**

- 9.8.1. The development is acceptable in principle with regard to the A1 Town Centre zoning of the site. The quantum and density of development are considered acceptable with regard to town centre location and to proximity to public transport, pedestrian and cycle infrastructure. The development will, as a whole, represent a positive contribution to the streetscape of Mill Street and will not have significant adverse impacts on views towards the development site and St. Mary's Church from Maynooth ACA or from the wider area. I am satisfied that the proposed design and will provide an acceptable standard of residential amenity and will contribute to place making in the centre of Maynooth. In addition, the development achieves a satisfactory integration with the Millrace Manor apartments to the south west and the student accommodation within the Mariavilla development to the west. It is considered that the development will not have significant adverse impacts on the setting of St. Mary's Church with regard to its particular architectural, social and historic interest. The development will deliver a pedestrian and cycle link between Mill Street and the Mariavilla development, which will facilitate the delivery of LAP policy AR11. The proposed car and cycle parking provision are generally acceptable, and I am satisfied that the development would not result in undue adverse traffic impact such as would warrant a refusal of permission. However, having regard to the submitted SSFRA, in particular Figure 7.5 of same, I consider that the development will result in increased flood risk at the Millrace Manor apartments. The development therefore does not meet criterion 2(i) of the Planning System and Flood Risk Management Guidelines for Planning Authorities.

9.8.2. I therefore recommend that the Board refuse permission in this instance.

10.0 EIA Preliminary Assessment

10.1. The application was submitted after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

10.2. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

Construction of more than 500 dwelling units

Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

The development involves 120 no. residential units on an overall site with a stated area of 1.05 ha. It is therefore considered that it does not fall within the above classes of development and does not require mandatory EIA.

10.3. As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. This preliminary examination has been carried out and concludes that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is therefore precluded and a screening determination is not required. The submitted

EIA Screening Assessment and Ecological Impact Assessment are noted in this regard.

11.0 Appropriate Assessment

11.1. AA Introduction

11.1.1. This assessment is based on the submitted Natura Impact Statement (NIS), prepared by Doherty Environmental Consultants Ltd., dated September 2019. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified, and sound scientific information and knowledge was used. The information contained is considered sufficient to allow me to undertake an Appropriate Assessment of the proposed development.

11.2. The Project and Its Characteristics

11.2.1. See the detailed description of the proposed development in section 3.0 above.

11.3. Stage 1 Appropriate Assessment

11.3.1. There are no designated sites within or immediately adjacent to the development. The NIS Stage I screening assessment identifies the following designated sites within 15 km of the development:

- Rye Water Valley/Carton SAC, Site Code: 001398;
- Ballynafagh Bog SAC, Site Code: 000391;
- South Dublin Bay River Tolka Estuary SPA, Site Code 004024;
- North Dublin Bay SAC Site Code 000206; and
- North Bull Island SPA, Site Code 004006.

11.3.2. The screening assessment concludes that the Rye Water Valley/Carton SAC occurs within the zone of influence of the project due to a hydrological connection via the Lyreen River. The SAC has the following qualifying interests:

Code	Description / Common Name	Scientific Name
7220	Petrifying springs with tufa formation (Cratoneurion) *priority habitat	
1014	Narrow-mouthed Whorl Snail	<i>Vertigo angustior</i>
1046	Desmoulin's Whorl Snail	<i>Vertigo moulinsiana</i>

Generic conservation objectives have been published by the NPWS for the SAC, i.e. to maintain or restore the favourable conservation condition of the Annex I habitat and/or the Annex II species for which the SAC has been selected. Due to the distance between the proposed development and the Rye Water Valley/Carnton SAC there will be no potential for any element of the project to result in direct effects on the qualifying interests of the SAC. There is potential for indirect effects associated with the following:

- Polluted storm water runoff emissions to the Lyreen River generated during the construction phase and operation phase.
- Polluting wastewater emissions to the Lyreen River during the operation phase including increased rates of stormwater run-off.

Aside from the hydrological connection, no other pathways, such as atmospheric, noise, lighting etc. have the potential for indirect effects on the SAC due to the distance between the development and the Rye Water Valley/Carnton SAC. No mobile species are listed as qualifying interests of the SAC.

11.3.3. Having regard to the NIS and to the Ecological Impact Assessment, I note that the development site is not immediately connected to any habitats within the remaining European sites listed above and that there are no known indirect connections to these European Sites.

11.4. **Stage 2 Appropriate Assessment**

11.4.1. The Rye Water Valley/Carnton SAC is a calcareous marsh adjacent to the Grand Canal. The NPWS site synopsis report states that Narrow-mouthed Whorl Snail and Desmoulin's Whorl Snail occur in marsh vegetation near Louisa Bridge. The marsh is fed by seepage from the Grand Canal and by a mineral spring. This is a rare habitat characterised by rare plant and animal species. There is no direct hydrological

pathway to areas of petrifying springs within the SAC as the flow of water at these features is from the Royal Canal towards the river. Given that the priority habitat of Petrifying springs with tufa formation (Cratoneurion) is fed by groundwater, there is no potential that it would be affected by the proposed development. However, the release to the river of sediment during the construction of the development or wastewater or other pollutants during its occupation could have a significant effect on water quality and thus on the riparian habitats of the species of snail that are the subject of the other two conservation objectives of the SAC. In addition, any release of nutrient-enriched wastewater, i.e. storm water run-off, from the development to the Rye Water during the operation phase will have the potential to result in changes to floodplain vegetation downstream at Louisa Bridge. Increased runoff could combine with other sources of transect runoff from the Lyreen and Rye Water catchment to the result in changes to the hydrological regime of the Rye Water with consequent changes in flooding of the riparian zone of the Rye Water downstream of the project site. Increases in flooding and inundation could result in changes to and a deterioration of the spring habitat occurring along the riparian zone of the river with consequent effects on the snail species. The NIS therefore concludes that a Stage 2 AA assessment is required in respect of the SAC.

11.4.2. The proposed development includes measures to protect water quality in the Lyreen River and Rye Water during the construction and operation of the development including:

- Construction will adhere to best practice guidance, particularly the CIRIA guidance document C532 Control of Water Pollution from Construction Sites and will adhere to the requirements set out in the Inland Fisheries Ireland guidance document Requirements for the Protection of Fisheries Habitat during Construction and Development Works and Development Sites.
- Construction works will avoid a buffer zone of 10m from the river edge. A low earth bank (up to 30cm in height) will be formed along the 10m demarcation line during the construction phase, which will form a barrier to the flow of surface water from the project site to the Lyreen River. A silt curtain will be installed at the base of the bank on its southern side or riverside. Landscaping will be completed within 10m of the Lyreen River.

- Management of materials with the potential to adversely affect surface water quality, e.g. fuel and oil, in order to minimise risk of accidental spills or leaks.
- Management of runoff during construction with the installation of swales and settlement ponds with hydrocarbon interceptors. Interception, management and treatment of storm water runoff and soiled water from the wheel wash facility.
- All spoil generated during the construction phase will be stored in areas a minimum distance of 20m from the Lyreen River. No spoil will be spread on lands adjacent to the river. Excavated soil material to be re-used for landscaping purposes will be stored on level ground a minimum distance of 20m away from the river.
- Water quality monitoring of the Lyreen River during construction.
- Dust monitoring and suppression will be undertaken on site during construction.
- Emergency contingency plan to ensure significant environmental effects are avoided during construction.
- Programme to avoid the spread of non-native invasive species during construction.

11.4.3. I note the concerns stated in the submission of Inland Fisheries Ireland regarding the management of surface water during basement construction in close proximity to the river. I consider that the construction management measures described in the NIS are standard measures which represent good construction practice and whose efficacy is well established from the experience in many previous projects and which is beyond reasonable scientific doubt. Their implementation would avoid the release of sediment and pollutants during either the construction or occupation of the development and thus would prevent the development having an adverse effect on the achievement of the conservation objectives of the SAC. Given the standard nature and widespread previous use of those measures, this conclusion can be reached beyond reasonable scientific doubt.

11.4.4. The completed development involves a storm water management system as described in section 9.5.4 above. The NIS states that this will ensure that all storm water generated at the site throughout the operation phase will be adequately managed and ensure no pollution threat to the Lyreen River and the River Rye

Water downstream. However, having regard to my concerns about the potential of the proposed development to increase flood risk on adjacent lands as a result of loss of flood plain storage, I am not satisfied that the development will not result in changes to the hydrological regime of the Lyreen River, with potential consequent changes in flooding of the riparian zone of the Rye Water downstream of the development site and effects on the snail species that are listed as Features of Interest of the Rye Water Valley / Carton SAC, in view of the site's Conservation Objectives to maintain or restore the favourable conservation condition of the Annex I habitat and the Annex II species for which the SAC has been selected.

11.5. In Combination or Cumulative Effects

- 11.5.1. There is potential for in-combination effects associated with the Mariavilla SHD ref. ABP-301230-18 (as described in section 4.2 above) on the adjoining site to the north, which include lands on both sides of the Lyreen River. That application included a NIS. The Board concluded that this project will not have the potential, alone or in-combination with any other plans or projects, to result in adverse effects to the integrity of European Sites. There is also potential for in-combination effects associated with permissions for developments on other nearby sites, ref. PL09.247614 and other developments permitted on sites with hydrological connections to the SAC. The developments referred to have all been subject to AA or AA screening, where it was determined that they did not have the potential to combine with other plans or projects or result in likely significant effects to the SAC. The NIS concludes on this basis that there will be no potential for this project to combine with the proposed development to result in adverse effects to the Rye Water Valley/Carton SAC or any other European Sites. This conclusion is accepted.

11.6. AA Conclusion

- 11.6.1. On the basis of the information provided with the application, including the Natura Impact Statement, and in light of the assessment carried out above, I am not satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of European site No. 001398, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.

12.0 Conclusion

12.1. I recommend that the Board refuse permission with regard to the planning assessment conclusion set out in section 9.9 above and the Appropriate Assessment conclusion set out in section 11.6 above.

12.1.1. Section 18 of the Planning and Development (Housing) and Residential Tenancies Act 2016 amends Section 134 of the Act of 2000 for the specified period as follows:

(1)(a) The Board may in its absolute discretion, hold an oral hearing of an appeal, a referral under section 5, an application under section 37E or, subject to paragraph (b), an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

(b) Before deciding if an oral hearing for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016 should be held, the Board—

(i) shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and

(ii) shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

I do not consider that there is a compelling case for an oral hearing in this instance, given that the substantive issue for which refusal is recommended, i.e. flood risk, was considered in detail in the Inspector's Report on the previous SHD application at the subject site, ref. ABP-301775-18 and was further addressed in the subsequent section 5 pre-application consultations ref. ABP-303315-18 and ABP-304783-19.

13.0 Recommendation

13.1. Section 9(4) of the Act provides that the Board may decide to:

(a) grant permission for the proposed development.

(b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,

(c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or

(d) refuse to grant permission for the proposed development, and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

Having regard to the documentation on file, the submissions and observations, the site inspection and the assessment above, I recommend that that section 9(4)(d) of the Act of 2016 be applied and that permission for the above described development be REFUSED for the reasons and considerations set out below.

14.0 Recommended Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: Kildare County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 14th November 2019 by Hughes Planning & Development Consultants on behalf of Westar Investments Ltd.

Proposed Development:

Permission for a strategic housing development at lands adjoining and to the rear of St. Mary's Catholic Church, Mill Street, Maynooth, Co. Kildare.

The development will consist of 120 no. apartments, a crèche and all associated site works.

Decision

Refuse permission for the above proposed development based on the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. Having regard to Figure 7.5 of the Site Specific Flood Risk Assessment submitted with the application and to the projected extent of additional flooding at the Millrace Apartments as a result of the proposed development, the Board does not consider that the proposal has been subject to an appropriate flood risk assessment that would satisfy criterion no. 2 of the Justification Test for development management set out in section 5.15 of the Guidelines for Planning Authorities on the Planning System and Flood Risk Management issued by the minister in November 2009. A grant of permission would therefore be contrary to those guidelines.
2. The Board is not satisfied, on the basis of the information provided with the application, including the Natura Impact Statement, that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of European site(s) No. 001398, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.

Sarah Moran

Senior Planning Inspector

11th March 2020