

An
Bord
Pleanála

Board Direction
BD-019918-25
ABP-314337-22

The submissions on this file, the Inspector's report and the Technical Note-Ecology were considered at a Board meeting held on 10/06/2025.

The Board decided to refuse permission for the following reasons and considerations.

Reasons and Considerations

1. The location of the site is within the settlement boundary of Maynooth and the proposed residential apartment blocks (Zone B - B1, B2 and B3) are located on lands which are zoned 'J – Student Accommodation', with a stated objective to '*provide for high-quality, professionally managed, purpose-built undergraduate and graduate student accommodation*', in the Maynooth and Environs Joint Local Area Plan 2025–2031. 'Residential unit' is identified as a 'Not Normally Permitted' use in the context of the zoned 'J – Student Accommodation' land use zoning objective. Given the proposed residential apartments are incompatible with the stated objective outlined in the context of the 'J – Student Accommodation', the related policies outlined in Section 5.5.9 of the Maynooth and Environs Joint Local Area Plan 2025–2031 and the absence of 'very exceptional circumstances' warranting the granting of permission of the same, this aspect of the proposed development, if permitted, would materially contravene the land use zoning objectives of the Joint Local Area Plan. The Board pursuant to the provisions of section 9(6)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, is precluded from the granting of planning permission for this aspect of the

proposed development. It would therefore be contrary to the proper planning and sustainable development of the area.

2. Having regard to the provision of student accommodation and associated gym and retail units and creche in Zone A which was proposed as Phase 2 of the proposed development the Board considered that, while a grant of permission for this aspect of the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, delivering it in the absence of Phase 1 (Zone B) would be piecemeal and inappropriate in the context of the extant permission (ABP-301230-18 as extended by Planning Reg. ref 22/1469) which provides for Student Accommodation and ancillary infrastructure and public open space on the entirety of the current site.

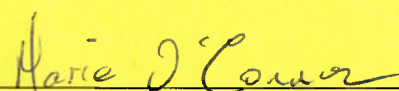
In deciding not to accept the Inspector's recommendation to grant permission for an amended Phase 2, which relates to the student accommodation, gym and retail in Zone A - Blocks A1, A2 and A3 and the creche, the Board agreed with the Inspector that the proposed development would constitute an acceptable quantum, scale and density of development at the location and would not seriously injure the residential or visual amenities of the area or of property in the vicinity. However, in the absence of providing for the public open space and infrastructure associated with Phase 1 (Zone B) the Board were not satisfied that Phase 2 could be delivered in a manner which would be acceptable in terms of pedestrian, cyclist and traffic safety and the provision of public and communal open space.

Note:

The Board noted Policy HO O15 of the Kildare County Development Plan 2023-2029 in relation to the provision of Universally Designed units and that the level of universally designed units proposed was below the 20% level indicated as required in the

Development Plan, however, it was not considered necessary to pursue the matter further given the substantive reasons for refusal.

Board Member


Marie O'Connor

Date: 17/06/2025