



An  
Bord  
Pleanála

## Record of Meeting ABP-310571-21

<b>Case Reference / Description</b>	120 no. apartments, creche and associated site works. Lands adjacent to and to the rear of St. Mary's Church, Mill Street, Maynooth, Co. Kildare.		
<b>Case Type</b>	Section 5 Pre-Application Consultation Request		
<b>Date:</b>	24 <sup>th</sup> September 2021	<b>Start Time</b>	10:00 am
<b>Location</b>	Remotely via Microsoft Teams	<b>End Time</b>	12:30 am
<b>Chairperson</b>	Tom Rabbette	<b>Executive Officer</b>	Helen Keane

### Representing An Bord Pleanála:

Tom Rabbette, Assistant Director of Planning
Ronan O'Connor, Senior Planning Inspector
Helen Keane, Executive Officer

### Representing Prospective Applicant:

Barry Comer, Comer Group
Ronan Woods, Genesis Planning
Michael Fitzpatrick, Michael Fitzpatrick Architects
David Reilly, Michael Fitzpatrick Architects
Donnachadh O'Brian, DOBA Consulting Engineers
Paul Doyle, DOBA Consulting Engineers
Jonathan Cooper, JBA Consulting
Andrew Bunbury, Parkhood Landscape Architects
Christy O'Sullivan, ILTP Traffic Consultants
Frank O'Rourke, Comer Group
Chris Shackleton, Chris Shackleton Consulting

## Representing Planning Authority

Eoghan Lynch, Senior Executive Planner, Planning Department
David Hall, Senior Executive Engineer, Water Services
Joe Keane, Executive Engineer, Roads Department
Chanel Ryan, Senior Assistant Chief Fire, Officer
Niall O Riordan, Senior Assistant Chief Fire Officer
Carmel O'Grady, Parks Department

### Introduction

The representatives of An Bord Pleanála (ABP) welcomed the prospective applicant, Planning Authority (PA) and introductions were made. The procedural matters relating to the meeting were as follows:

- The written record will be placed on the pre-application consultation file and will be made public once the Opinion has issued,
- ABP received a submission from the PA on 19<sup>th</sup> July 2021 providing the records of consultations held pursuant to section 247 of the Planning and Development Act, 2000, as amended and its written opinion of considerations related to proper planning and sustainable development that may have a bearing on ABP's decision,
- The consultation meeting will not involve a merits-based assessment of the proposed development,
- The meeting will focus on key site-specific issues at strategic overview level, and whether the documents submitted require further consideration and/or amendment in order to constitute a reasonable basis for an application.
- Key considerations will be examined in the context of the statutory development plan for the area and section 28 Ministerial Guidelines where relevant,
- A reminder that neither the holding of a consultation or the forming of an opinion shall prejudice ABP or the PA concerned in relation to any other of their respective functions under the Planning Acts or any other enactments and cannot be relied upon in the formal planning process or in legal proceedings.

The ABP representatives acknowledged the letter dated 21<sup>st</sup> June 2021 formally requesting pre-application consultations with ABP. The prospective applicant advised of the need to comply with the definition of SHD as set out in the (Housing) and Residential Tenancies Act of 2016, as amended, in relation to thresholds of development. The representatives of ABP advised that the Inspector dealing with the pre-application consultation request would be different to the Inspector who would deal with the application when it was submitted. Recording of the meeting is prohibited.

### Agenda

1. **Previous Reason for Refusal No. 1 – Flood Risk**
2. **Previous Reason for Refusal No. 2 – Appropriate Assessment**
3. **Planning Authority's submission including mix of uses, proposed materials, and separation distances**
4. **Transportation/Permeability/Public Realm**
5. **Daylight/Sunlight (proposed development)**

6. **Site Services (where not discussed under Item 1)/Irish Water Submission**
7. **Any Other Matters**

1. **Previous Reason for Refusal No. 1 – Flood Risk**

- **ABP Comments:**

- Flood risk remains a key issue.
- The applicant is to seek an agreement or as close as possible to an agreement with the PA.
- The issue of long-term maintenance of the flood mitigation measures is a critical consideration.

- **Prospective Applicant's Comments:**

- The previous reason for refusal was on the basis that there would be an impact on adjacent apartments in a climate change scenario.
- The revised design has no impact upstream or downstream.
- The prospective applicant is satisfied that the proposed development is fully compliant in a policy context.
- The site was excavated 10-15 years ago.
- The prospective applicant is preparing the site in the context of the flooding that exists on the site.
- The site was not previously a flood plain.
- The management company of the proposed development would be direct employees of the applicant.
- The prospective applicant has considered reducing the site by modelling the removal of Block C.
- The proposed development site is to have four permanent pumps.
- There is no flood risk impact on residential areas.
- The system is passive, and it complies with the Office of Public Works protocols.
- Residual risk is considered a key aspect of the planning guidelines.
- There are two levels of protection against unauthorised access.
- All aspects of building management require building maintenance.
- The prospective applicant has shown in the Flood Risk Assessment (FRA) that policy requirements are met.
- Examples exist (such as a development in Surrey, England) of the type of flood mitigation measure proposed by the prospective applicant.

- **Planning Authority's Comments:**

- The PA has concerns in relation to the ongoing management of the undercrofts.
- The PA is not satisfied the solution offered for flooding address the previous reason for refusal.
- The PA is not aware of previous approved developments with this type of undercroft storage.
- Undercroft storage for retail development (such as the Lidl in Monaghan example) is not comparable to a residential development, which has people on the site 24/7.
- The applicant is to have consideration for the inclusion of an on-site response team.

- Provide further clarity on the predicted flood levels in the open green spaces.
- The PA remains available for further technical consultation.
- The primary concerns are in relation to the ongoing maintenance, management, the pump discharge and the issue of the management company being responsible.
- There would be serious consequences if an unauthorised person accessed the undercroft storage.
- The level of unknown risk is too high to proceed with the proposed development as it currently stands, the flood risk is not reduced to an acceptable level.
- The PA has engaged with the prospective applicant.
- The prospective applicant is to provide clarity on disability access, carparking, maintenance of the walkway, material damage to the carpark.
- There is risk in relying on a mechanical system, the PA would prefer a system that works independently.
- The prospective applicant is to have regard for a 100-year event and if people will be able to exit their property in such an event.
- The proposed flood risk mitigation measure has a lot of moving parts.
- A compensatory, on-site flood storage has a higher potential of failure. The PA can suggest a simpler solution and is willing to discuss same with the prospective applicant.

## **2. Previous Reason for Refusal No. 2 – Appropriate Assessment**

### **ABP Comments:**

- The applicant is to address the previous reason for refusal, the Appropriate Assessment (AA)
- A screening statement was omitted from the pre-application documentation.
- Further detail is required in relation to the ground water regime.
- The prospective applicant is to address the water quality issue.
- Ensure that there are no contradictions or conflicts in the documentation at application stage.

### **Prospective Applicant's Comments:**

- There is no change in water quality in the flood water interchange.
- There is no linkage on water quality through to the Special Area of Conservation (SAC).

### **Planning Authority's Comments:**

- No further comments.

## **3. Planning Authority's submission including mix of uses, proposed materials, and separation distances**

### **ABP Comments:**

- The prospective applicant is to address the PA's concerns in relation to the mix of uses, proposed materials, and separation distances.

- **Prospective Applicant's Comments:**
- There is activity in all parts of the site including a creche, restaurant, and several offices.
- The proposed design is cognisant of the church.
- The proposed development has taken into consideration the Cairn Homes development to the east of the site.
- The prospective applicant has explored different material finishes for Block A and can ensure that these material finishes are carried through the proposed development.
- The proposed development is in a prominent location.
  
- **Planning Authority's Comments:**
- The PA's position has not changed since the stage 1 meetings.
- The PA has concerns in relation to the finishes of the proposed development.
- The Block A street front has high level finish, but this needs to be carried through, this is critical to the success of the overall scheme.
- The PA seeks to ensure that the quality of finish is not lost at implementation stage.

#### 4. Transportation/Permeability/Public Realm

- **ABP Comments:**
- An off-street cycle parking arrangement is preferable.
  
- **Prospective Applicant's Comments:**
- The prospective applicant can accommodate the PA's preferred arrangement.
- The tree survey undertaken on the line of poplar and sycamore trees along the Lyreen river indicates that the trees are in a fair condition, so there is not a justification for removing them. They provide stability to the bank. The Local Area Plan states that these trees are to be retained.
- The prospective applicant has incorporated a proposal in the pre-application documentation to retain the trees in a landscape plan.
- The prospective applicant will submit a satisfactory maintenance plan.
  
- **Planning Authority's Comments:**
- The prospective applicant is to have consideration of kerb protection for children and students.
- The PA can liaise further with the prospective applicant.
- The PA's comments in the Parks report still stand.
- The PA seeks to remove the line of poplar and sycamore trees along the Lyreen river, however this would create an issue of erosion. This issue has not been addressed by the prospective applicant.
- The Parks Department can liaise further with the prospective applicant.

## 5. Daylight/Sunlight (proposed development)

- **ABP Comments:**

- The prospective applicant is to ensure that a robust daylight/sunlight report is included at application stage.

- **Prospective Applicant's Comments:**

- There is good overall light in the proposed development.

- **Planning Authority's Comments:**

- No further comments.

## 6. Site Services (where not discussed under Item 1)/Irish Water Submission

- **ABP Comments:**

- The prospective applicant is to submit updated Irish Water correspondence at application stage.

- **Prospective Applicant's Comments:**

- The prospective applicant has Irish Water correspondence dated 16<sup>th</sup> September 2021.
- Is open to engaging further with the PA regarding Sustainable Drainage Systems (SuDS).
- Will propose measures to address the Fire Department's concerns.

- **Planning Authority's Comments:**

- The prospective applicant is to have consideration for comments in the PA's report.
- Have consideration for the firefighting water supply.
- Provide a statement of design acceptance.
- There is a significant improvement in the SuDS but the PA would like to discuss some changes with the prospective applicant.
- The prospective applicant is to have consideration for the Fire Department's concerns in relation to water requirements.
- The PA has concerns in relation to fire tender access, the prospective applicant has not submitted documentation showing that this has been addressed. Can liaise further with the prospective applicant.

## 7. Any other matters

- **ABP Comments:**

- The prospective applicant is to have consideration for all aspects of art.299B requirements (which are unique to SHD).
- Have consideration for Material Contravention issues.

- **Prospective Applicant's Comments:**
- The prospective applicant can discuss how to allocate the total carparking spaces with the PA.
- Will further liaise with PA to reach an agreement on the flood risk.
  
- **Planning Authority's Comments:**
- The PA has concerns in relation to access, there is a potential obstruction of the carriageway.

## Conclusion

The representatives of ABP emphasised the following:

- There should be no delay in making the planning application once the public notice has been published.
- A Schedule of Documents and Drawings should be submitted with the Application.
- Sample notices, application form and procedures are available on the ABP website.
- Irish Water would like prospective applicants to contact Irish Water at [cdsdesignqa@water.ie](mailto:cdsdesignqa@water.ie) **between the Pre-Application Consultation and Application stages**, to confirm details of their proposed development and their proposed design.
- The email address to which applicants should send their **applications** to Irish Water as a prescribed body is [spatialplanning@water.ie](mailto:spatialplanning@water.ie).

---

Tom Rabbette  
Assistant Director of Planning  
November, 2021