



An  
Bord  
Pleanála

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

## Inspector's Report ABP-310865-21

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### Strategic Housing Development

194 no. residential units (119 no. houses, 75 no. apartments) creche and associated site works.

### Location

Townland of Maynooth, Dunboyne Road, Maynooth, Co. Kildare.

### Planning Authority

Kildare County Council

### Applicant

Cairn Homes Properties Limited

### Prescribed Bodies

IFI  
Irish Water

### Observers

Damian Galligan  
David Kelly  
Kevin Tolan

Leanne Smith  
Lyreen Park Residents Association  
(Patrick Gilligan)  
Maynooth Community Council (Una  
Philips)  
Pauline Cullen  
Wesley Murphy

**Date of Site Inspection** 7<sup>th</sup> October 2021

**Inspector** Rónán O'Connor

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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

- 2.1.1. The subject site comprises a stated area of 7.257 ha, located on the Dunboyne Road, approx. 0.75km northeast of Maynooth town centre, and southwest of Carton House estate. The lands are partly in agricultural use. The remainder of the site has been used for the deposition of construction spoil and storage associated with the construction of the adjoining housing developments. The site is bounded to the northwest by Pebble Hill House, a two-storey farmhouse and its associated outbuildings, which is a protected structure. Lands to the south of the site, in agricultural use, extend to the Lime Walk, which is a feature of landscape heritage interest.
- 2.1.2. The lands generally fall north-east toward the Dunboyne Road frontage. There is a section of mature trees along the northern / Dunboyne Road boundary, and further within the area of an historic quarry in the north-eastern corner of the site. The two principal fields within the site are separated by a mature hedgerow and trees. Dunboyne Road is currently deficient in width and alignment along the frontage of the site and lacks pedestrian or cycle facilities. West of the site, improvement works along the road have been undertaken / are underway as part of the adjoining more recent housing developments at Castlepark and Mariaville.

## 3.0 Proposed Strategic Housing Development

- 3.1.1. The development will consist of the construction of 194 no. dwellings and ancillary infrastructure as follows:

A) 119 no. 2 storey houses (7 no. 2 bedroom houses, 89 no. 3 bedroom houses, 22 no. 4 bedroom houses and 1 no. 5 bedroom dwelling);

- B) 31 no. apartments in 1 no. 4 storey apartment building (14 no. 1 bedroom apartments and 17 no. 2 bedroom apartments) all apartment units to have balcony or terrace;
- C) 36 no. duplex apartments/apartments (18 no. 2 bedroom apartments and 18 no. 3 bedroom duplex apartments) in a series of 3 no. duplex apartment buildings of 3 no. storeys in height, all duplex units to have balcony or terrace;
- D) 8 no. 1 bedroom Maisonette Apartment Dwellings in 2 no. 2 storey buildings;
- E) Creche of c. 303.5 sq. m located in ground floor of Apartment building;
- F) Realignment and upgrade of a section of the Dunboyne Road (c. 480m) to include footpaths, cycle paths and road crossing as well as foot/cycle path along Dunboyne Road to Limewalk entrance (temporary construction accesses from Dunboyne Road);
- G) Vehicular access from 2 points on the Dunboyne Road (and a pedestrian access beside apartment block), internal roads and paths;
- H) Open space areas [with pedestrian/cyclist connection including 'tie in' arrangements to the 'Limewalk' to the south], hard and soft landscaping (including public lighting) and open space (including boundary treatment), communal open space for duplex apartments; regrading/re-profiling of site where required [including import/export of soil as required] along with bicycle/bin stores and ESB substations, upgrade of existing attenuation in quarry area including landscaping;
- I) Bicycle (209 no. spaces) and car parking (336 no. spaces) as well as single storey bin and bicycle stores;
- J) Provision of vehicular entrance and driveway to serve Pebble Hill (a protected structure) from the Dunboyne Road;
- K) Surface water attenuation measures and underground attenuation systems as well as connection to water supply, drainage and provision of local pumping station to Irish Water specifications (with access from the Dunboyne Road);
- L) Demolition of existing agricultural structures (c. 156 sq. m);
- M) All ancillary site development/construction works.

## **Key Figures**

Site Area	c7.55 ha
No. of units	194
Density	36.4 units/ha (net)
Height	Up to 4 storeys
Public Open Space	0.84 ha within residential zoned area (15.8 % of residential zoned area)  1.87 ha within overall site (24.8% of overall site area)
Part V	19 no. units
Vehicular Access	2 no. accesses from the Dunboyne Road
Car Parking	336 no. spaces (including 7 no. spaces for crèche)
Bicycle Parking	209 (including 19 no. spaces for crèche)
Other uses	Creche (303.5 sq. m)

### Mix

The proposal provides for the following mix of units, within a range of apartments, duplexes and houses.

<b>Unit Type</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>5 bed</b>	<b>Total</b>
House	-	7	89	22	1	119
%		5.9%	74.8%	18.5%	0.8%	
Apartment/Duplex	22	35	18	-	-	75
%	29%	47%	24%			
Total unit mix	22	42	107	22	1	194
%	11.3%	21.6%	37.8%	11.3%	0.5%	

## 4.0 Planning History

4.1. PA ref. 14/637 ABP ref. PL 09.245305: Permission refused for 112 dwellings and creche on the subject site, for the following reasons:

- 1) Substandard layout not in accordance with the Sustainable Residential Development in Urban Areas Guidelines or DMURS with regard to the mix of housing, the layout of streets and parking, the hierarchy of users, landscaping and the incorporation of existing landscape features. Further, the proposed layout failed to protect views of the site from the Lime Walk and the associated historic landscape as envisaged in Map 5 of the LAP.
2. (a) The development and associated traffic movements would be contrary to Objective TRO 2(a) and (c) of the LAP, to facilitate the future construction of, and in the interim protect from development, the routes between Staffan Road (A) and Celbridge Road (B) and Leixlip Road (E), and would exacerbate the existing serious traffic congestion at Leinster Street and Dunboyne Road junction and on the R148 Leixlip Road. The proposed development would, therefore, be premature by reference to the prospective deficiency in the road network serving the area and pending the resolution of this deficiency.  
  
(b) The proposed development would result in an increase in pedestrian movements, cyclists and road traffic on the Dunboyne Road, which is substandard in alignment with inadequate visibility in either direction.

The Direction also noted that having regard to the location of the site close to the Rye Water Valley/Cartron SAC, the Board was not satisfied that adequate information had been provided on the impact on hydrological and geological conditions and the resulting implications for the petrifying springs and tufa within the designated site.

### Adjoining Site

ABP ref. ABP-301230-18: Permission granted for a SHD development of 462 no. dwelling units, refurbishment of gate lodge and 483 no. student bedspaces, on a site to the southwest of the site on the Dunboyne Road. This is currently under construction and is referred to as Mariaville and works include the widening of Dunboyne Road and provision of footpath and cyclepath along the frontage of the

site. A new link road between the Dunboyne Road and Moyglare Road to the west has been completed, although this connection is not yet open for use.

## 5.0 Section 5 Pre Application Consultation

5.1.1. A section 5 Consultation meeting took place via Microsoft Teams on the 17<sup>th</sup> December 2020 in respect of the following development:

- 193 no. residential units (118 no. houses, 31 no. apartments, 36 no. duplex apartments, 8 no. maisonette units, creche and associated site works.

In the Notice of Pre-Application Consultation Opinion dated 22<sup>nd</sup> December 2020 (ABP Ref. ABP-308045-20) the Board stated that it was of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

5.1.2. The prospective applicant was notified that the following specific information should be submitted with any application for permission:

1. Further elaboration and clarification with regard to the extent of existing and proposed pedestrian and cycle facilities along the Dunboyne Road, between the application site and Maynooth Town Centre. Details should include responsibility and, where possible, timelines for the completion of any proposed works along this road.
2. A Quality Audit of the proposed development in accordance with the provisions of the Design Manual for Urban Roads and Streets (DMURS) which shall include as a minimum a Street Design Audit, Road Safety Audits and Pedestrian and Cycling Audits.

In addition to the internal layout of development, the report should consider the design of the proposed improvements to the Dunboyne Road and proposed pedestrian and cycle linkages along that road and along the R157, having regard to the provisions of the National Cycle Manual.

3. Further consideration and elaboration of the documents as they relate to the relationship between the proposed development and the Dunboyne Road. In



this regard, the application should include additional elevation and section drawings and other materials demonstrating how the proposed development provides an attractive urban edge on this important approach to the town with high levels of visual amenity, while achieving satisfactory levels of residential amenity for future residents of Duplex Blocks A, B and C located in close proximity to this road.

4. Further elaboration of the documents as they relate to the treatment of the former quarry area and its proposed use for surface water management and as a landscaped open space. Details in this regard shall include existing and proposed section drawings identifying any proposed changes in ground levels.
5. (i) A report presenting the results of a groundwater monitoring programme which shall accurately describe the prevailing groundwater regime at this location. The monitoring programme should extend over 6 months and include at least one winter season. Monitoring locations should reflect the location of proposed infiltration areas and attenuation storage areas. The report shall be accompanied by a statement from a suitably qualified and competent person which should confirm that the design of the surface water management system has had due regard to the results of such monitoring programme.  
  
(ii) Further consideration and elaboration of the documents as they relate to the design of the surface water drainage system, having particular regard to the issues raised in relation to surface water and flood risk in the planning authority Water Services report, dated 10/09/2020.
6. Further consideration and elaboration with regard to the extent of bicycle parking for apartment units and compliance with the provisions of the Sustainable Urban Housing, Design Standards for New Apartments - Guidelines for Planning Authorities in this regard.
7. Further consideration and elaboration with regard to the extent and layout of car parking within the development and the dominance of surface along primary internal roads. Further details should also be provided with regard to

the provision of necessary infrastructure for the charging of electric vehicles within the application site.

8. An assessment of proposed public and communal open spaces, clearly delineating these different spaces and demonstrating appropriate levels of usability and supervision thereof. Regard should be had to the relationship between public spaces and adjoining dwelling units in terms of ensuring the protection of residential amenity.

## 5.2. Applicant's Statement

The application includes a statement of response to the pre-application consultation (Statement of Response to Notice of Pre-Application Consultation Opinion), as provided for under section 8(1)(iv) of the Act of 2016 and within this document the applicant has responded to each item of Specific Information.

### Material Contravention Statement

- 5.2.1. The applicant has submitted a Statement of Material Contravention which refers to potential material contraventions of the Kildare County Development Plan 2017-2023 and the Maynooth Local Area Plan (LAP) 2013-2019 as relates specifically to the following issues:

- Car Parking Provision
- Open Space
- Policy NH1 of Kildare CDP & Policy GI8 of Maynooth LAP as relates to preservation of the preservation and retention of woodlands, hedgerows, stonewalls, rivers, streams and wetlands.
- Policy HP6 of the Maynooth LAP as relates to the location of apartment developments, density, mix and restriction on duplex units.
- Section 17.4.5 of the Kildare CDP as relates to storage spaces.

- 5.2.2. I refer the Board to Section 10.3 of this report which summarises the contents of same and considers the issue of material contravention generally.

## 6.0 Relevant Planning Policy

6.1.1. National policy as expressed within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework (NPF) – Ireland 2040 supports the delivery of new housing on appropriate sites. I also note the Government’s new Housing for All Plan which identifies the need to increase housing supply as a critical action.

### 6.2. Regional Spatial and Economic Strategy - Eastern and Midland Region 2019

Maynooth is identified as a Key Town, located within the Dublin Metropolitan Area. Key Towns are large economically active service and/or county towns that provide employment for their surrounding areas and with high-quality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres.

They have the capacity and future growth potential to accommodate above average growth in the region with the requisite investment in employment creation, services, amenities and sustainable transport.

Regional policy objectives for Maynooth include:

RPO 4.33: Support the continued development of Maynooth, co-ordinated with the delivery of strategic infrastructure including pedestrian and cycle linkages within the town and to the Royal Canal Greenway, DART expansion and road linkages forming part of the Maynooth Outer Orbital Route in a manner which supports future development and population growth and builds on synergies with Maynooth University promoting a knowledge-based economy.

RPO 4.35: A cross boundary Joint Local Area Plan (LAP) shall be prepared by Kildare County Council and Meath County Council to provide a co-ordinated planning framework for the Maynooth area. The Joint LAP shall identify a boundary for the plan area, strategic housing and employment development areas and infrastructure investment requirements and promote greater co-ordination and sequential delivery of serviced lands for development.

### 5.4 Metropolitan Area Strategy

Strategic development corridors include the North - West Corridor, (Maynooth / Dunboyne line and DART expansion). The proposed electrification of the main

Maynooth line, to be delivered by 2027, will support sequential growth in Leixlip and Maynooth.

#### Rail Infrastructure

RPO 8.8: The RSES supports delivery of the rail projects set out in Table 8.2, subject to the outcome of appropriate environmental assessment and the planning process, including Dart extension to Maynooth.

### 6.3. **Section 28 Ministerial Guidelines**

6.3.1. The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’).(2009)
- ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ (Updated December 2020)
- Urban Development and Building Height, Guidelines for Planning Authorities, 2018.
- ‘Design Manual for Urban Roads and Streets’ (DMURS) (2019) / DMURS Interim Advice Note – Covid 19 (2020)
- ‘The Planning System and Flood Risk Management’ including the associated ‘Technical Appendices’.
- ‘Childcare Facilities – Guidelines for Planning Authorities’.
- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities – May 2021

### 6.4. **Kildare County Development Plan 2017-2023**

Variation no. 1 was adopted in June 2020 to take account of the provisions of the National Planning Framework and the Regional Spatial and Economic Strategy.

The preferred development strategy includes a focus on achieving critical mass in the Metropolitan Area Strategic Plan (MASP) area and in the Key Towns of Naas

and Maynooth. Growth based on NPF and RSES targets is allocated across the county, based on a need for 6,023 additional residential units by 2023.

Maynooth retains its allocation of 10.9% of the county population up to 2023, which will provide an opportunity for the town to absorb recent and pipeline developments. The variation identifies a dwelling target 2020 - 2023 of 657 dwelling units based on a population increase of 1,839 persons.

The Plan acknowledges RPO 4.35 of the RSES which requires the preparation of a Joint LAP for Maynooth with Meath County Council in order to deliver a coordinated planning framework for the town.

Objectives: Settlement Strategy

SO 1: Support the sustainable long-term growth of the Key Towns and the north-east of the county located within MASP and zone additional lands to meet the requirements of the Core Strategy and Settlement Hierarchy.

SO 2: Carry out a strategic Land Use, Employment and Transportation Study of north east Kildare including the Dublin Metropolitan area towns of Leixlip, Maynooth, ....., having regard to existing and emerging local area plans.

SO 3: Facilitate the implementation of the settlement strategy through the prioritisation of key strategic infrastructure .....

SO 4: Ensure that the scale and form of developments envisaged within towns and villages is appropriate to their position within the overall Settlement Hierarchy

SO 7: Provide a greater degree of co-ordination between large population centres and corresponding growth in employment, public infrastructure, strategic and local amenities, community facilities, schools, public transport etc. through a plan-led approach.

SO 9: Sequentially develop lands within towns and villages in accordance with the Development Plan Guidelines, DEHLG (2007) including any updated guidelines and deliver at least 30% of all new homes that are targeted in settlements within their existing built-up footprint (defined by the CSO).

Section 4.5 deals with Location and Density Policy

LD 1 Promote residential densities appropriate to its location and surrounding context.

LDO 1 Ensure that the density of residential development maximises the value of existing and planned physical and social infrastructure and makes efficient use of zoned lands .....

LDO 3 Require higher residential densities at appropriate locations as set out in the Guidelines for Sustainable Residential Development in Urban Areas.

Table 4.2 identifies appropriate densities of 30-50 units per ha on Outer Suburban or 'Greenfield' sites.

Policy MD 1 Ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the county in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual to support a variety of household types.

Chapter 17 sets out development management standards. In greenfield sites, the minimum area of open space that is acceptable within the site is 15% of the total site area. Residential car parking is required on the basis of 2 spaces per house and 1.5 spaces per Apartment unit + 1 visitor space per 4 apartments. Cycle parking is required on the basis of 1 space per apartment plus on visitor space per two units.

Table 6.1 identifies priority road and bridge projects including, Maynooth Outer Orbital Relief Road, Maynooth LAP roads objective TR02(b) L1012 Moyglare Road and Dunboyne Road (Co. Meath).

Table 6.2 lists regional roads identified for improvement, including the R157 from the R148 junction at Maynooth to the Co. Meath boundary.

#### 6.5. **Maynooth Local Area Plan 2013-2019 (Incorporating Amendment No. 1 as adopted 9<sup>th</sup> October 2018)**

The site is predominantly zoned **objective C**: To provide for new residential areas. This zoning objective provides for new residential development and associated local services ancillary to residential development.

A smaller portion of the site to the north-west is zoned **Objective B** 'Existing Residential' which has the following objective "To protect and improve existing

residential amenity; to provide for appropriate infill residential development and to provide for new and improved ancillary services.

Lands including the quarry and proposed pumping station to the north-east, are zoned **Objective I**: To retain and protect agricultural uses.

The purpose of this zoning is to ensure the retention of agricultural uses and protect them from sprawl and ribbon development. Uses which are directly associated with agriculture or which would not interfere with this use are open for consideration, including amenity uses such as playing fields, parks and playground uses. Utility structures are permissible in principle.

Lands to the southeast, including the proposed pedestrian / cycle connection to Lime Walk are zoned **Objective F**: Open space and Amenity.

This zoning objective aims to protect, improve and provide for recreation, open space and amenity provision; to protect improve and maintain public open space and to provide for recreational and sports facilities. The Council will not normally permit development that would result in a loss of open space within the town except where specifically provided for in this Plan. Existing agricultural uses in open space areas will continue to be permitted, and reasonable development proposals in relation to this use will be considered on their merits.

Lands to the south of the site are zoned **Objective S**: Carton Avenue. To protect and provide for passive amenity use of a 60 metre buffer zone on either side of Carton Avenue / the Lime Walk. The area covered by this zoning objective shall remain undeveloped and shall include a management regime so that the character and setting of this historic walkway is protected and improved.

Housing policy HP6 - 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. Duplex units shall not generally be permitted.

Housing objective HPO 1 includes the encouragement of a variety of house types, sizes and tenure to cater for the needs of the population and facilitate the creation of balanced communities.

Section 3.4 notes that in line with the town's position in the County Settlement Strategy and the Regional Planning Guidelines, the residential unit allocation for Maynooth over the lifetime of the CDP 2017-2023 is 3,542 units. Maynooth is projected to accommodate 10.9% of the residential unit growth allocated to Kildare in the RPGs in the period 2016– 2022.

The plan provided for the delivery of an additional 1,742 residential units on 61.7ha of New Residential zoned land, including the subject lands.

Roads objective TRO 3: To carry out the following road realignments and improvements at....(locations, including) c) Along sections of the Dunboyne Road.

PCO 3: To provide footpaths and public lighting at .... (locations including) (c) Along the Dunboyne Road between Convent Lane and Kildare Bridge.

The view / prospect southwest along the Lime Walk from the R157 is identified for preservation on Map 4 Natural & Archaeological Heritage.

GI 8: To ensure key hedgerows, identified on Map 5, and the linkages they provide to larger areas of green infrastructure and the wider countryside, are retained where appropriate and integrated into the design of new developments.

Map 5, *Green Infrastructure* identifies hedgerows on the site as part of the Lime Walk.

## 7.0 Observer Submissions

7.1.1. 8 no. submissions on the application have been received from the parties as detailed above. The issues raised in the submissions are summarised below.

### General/Procedural/Principle

- Site notices weren't accessible/were not in place
- Documents on the dedicated website weren't accessible/could not be opened
- Photos/rendering of proposed development is not accurate
- Proposed development is not 550m to the town centre as stated/it is approx 750m



- Concerns in relation to density, suitability for the location, traffic congestion, light and noise pollution, access to services
- Site is well beyond the town boundary as defined by Google Maps
- Outdated references in application documents

### Transport

- Application documents state that development will have access to DART/this is not the case/train services have already reached capacity
- Welcome proposals to realign the road
- Traffic studies fail to take account of the new road through the applicant's previous scheme (Mariavilla) referred to as junctions 5 & 6 in the traffic surveys/traffic surveys carried out during lockdown period/more people will use their cars as a result of Covid.
- Concerned that the improved Dunboyne Road will become a rat run which will ultimately replace the long delayed ring road/traffic will become worse due to the road improvement alone.
- Connecting paths are unnecessary/council plans to have a continuous footpath and cycle track around the entire perimeter of land within the Dunboyne Road, Blacklion Road and Leixlip Road boundaries.
- Previous refusal in the site relating to road infrastructure
- Traffic impact did not factor in school or university traffic/did not factor in traffic that will emerge from what is now a blockaded road from the west to east of the town
- The Maybooth Eastern Relief Road is not due for completion until 2024.
- No further development should take place until the supporting roads infrastructure, including a park and ride facility is put in place.
- Cycling and walking infrastructure is poor and needs substantial investment
- Dangerous bend on the Dunboyne Road
- Concerns about the existing footpath that runs from the estate entrance to the town centre/is in a poor state of repair

- Landscape Design Statement refers to the Luas
- Site is 1.84km from Maynooth Train Station

#### Conservation/Design/Visual Impact/Impact on Views

- Development will dominate its surroundings
- Proposal is required to comply with Section 17.3 of the Development Plan – submission of a Design Statement/proposal does not adhere fully to the criteria in Section 17.3
- No assessment of impact of the development on the Dunboyne Road and associated existing residential amenities/Visual Impact Assessment included in the application does not include an entire section of the Castlepark Estate
- Will impact on local views, especially from the Carton Demesne
- Impact of the proposed shared pedestrian/cycle track on the sterile set back zone that stretches 60m either side of the centre line of Carton Avenue/Lime Tree walk/established to protect the historic avenue/expressly forbids hard surface development
- Impact on the avenue/impact on the gatehouse, which is a protected structure
- Lack of clear data on the actual scale of the proposed homes.
- Apartment developments on University campus are not comparable
- Four storey apartment block is out of character for the surrounding dwellings
- No existing apartment blocks in the surrounding area
- CGIs are not accurate.
- Skyline of the proposed development will be visible from the Carton Demense during the winter months

#### Surrounding Residential Amenity

- Proposal would result in a loss of residential amenity to existing homeowners
- Will cast shadows on adjoining properties for most of the day
- Castlepark Estate will be enclosed on all sites once this and ABP-301230-18 are completed.

- Proposal would overlook existing residential properties
- Section 17.2.5 refers to impacts on daylight and shadow/application does not document impact on existing residents
- Noise generated from the crèche.
- Separation distances from the proposed development to existing dwellings are unclear.
- Impacts on views
- Sunlight Assessment does not accurately depict dwellings in Castlepark
- Does not factor in that kitchen and living areas are combined within the existing dwellings
- Development fails 25 degree test
- Loss of natural light will be catastrophic/will no longer be able to observe the sun rising in the morning.

#### Residential Standards

- Open space provided on developments is not suitable for playing ballsports on
- Every housing estate of 100 or more houses should incorporate a Multi-Use Games Area (MUGA)

#### Biodiversity/Ecology/Trees/Hedegrows/Appropriate Assessment

- Bats – significant omissions regarding implications of noise disturbance and foraging opportunities for the bat population/lack of clarity and contradictory statements
- Proposed scale, bulk and mass would dominate the rural context.
- Proposed connecting paths are cutting through the line of lime trees along the avenue that all have tree preservation orders on them/which includes the tree's root systems
- Previous refusal in the site relating to impacts on bats
- EclA lacks specific detail on the proposed mitigation strategies
- A number of species not accounted for in the assessment

- Assertions made about hydrological groundwater connections from the River Rye that are incorrect
- Impact on existing mature native hedgerow
- Cumulative impact on Rye Water/Carton SAC must be closely examined/updated review of the impact of developments currently underway and planned for Maynooth has not been undertaken
- The entrance from the new development to Carton Avenue should be carried out in such a way to ensure minimal impact on the natural environment and heritage
- Lime Trees should not be interfered with
- Impacts on the environment
- Bat Assessment has not been peer reviewed
- NIS does not mention bats
- Impacts on bats likely to be a contravention of Habitats Directive 92/43/EEC
- More details needed on how bat mitigation strategy is going to be implemented

#### Flood Risk

- Flooding issues on the Dunboyne Road
- Dunboyne Road is prone to flooding particularly during periods of heavy rainfall/incidences of intense rainfall will be more frequent and more severe as a result of climate change/mitigation measures in the SSFRA must be implemented and properly maintained

#### Social Infrastructure

- Complete lack of community facilities for the existing residents of Maynooth
- Insufficient health care capacity
- Social Infrastructure and School Provision Assessment is inaccurate
- Welcome provision of crèche
- Other permitted creches have never materialised
- Question the viability of the crèche.

## Other

- Will have a negative financial impact on adjoining properties
- Concern that the development will be sold to an international fund
- Impending application on 301230 that intends to significantly increase the scale and density of the original permission.
- May be replacement applications in the future
- Applicant has previously sold units to private companies
- Question if the barn needs to be demolished.
- Emergency services have not been consulted in relation to the proposed development.
- Safety issues in relation to the water feature
- Proposed dwellings make no provisions for a home office.

## **8.0 Planning Authority Submission**

8.1.1. Kildare County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016.

- Proposed density is acceptable.
- Mix of units and tenure proposed is considered to be appropriate
- Quantum of open space accords with Development Plan and is in line with relevant policies of the Maynooth LAP
- Biodiversity value of end of life and fallen trees is given insufficient weight in the overall appraisal and landscaping plan.
- Proposed development conform to the minimum floor area, storage requirement and minimum open space requirements for Dwelling Houses/Complies with SPPR3 of the Design Standards S28 Guidelines
- There is in excess of 50% dual aspect/complies with SPPR4
- Complies with SPPR 5 (floor to ceiling heights)/SPPR6 (apts per core)

- Significant shortfall in childcare spaces when the Childcare Facilities Guidelines are applied
- GP capacity is not outlined/clarity required.
- Social Infrastructure Assessment does not take into account existing planning permissions for residential developments in the area/additional demand from same
- Will not result in overlooking (internal/external)
- High levels of BRE compliance/no undue overshadowing
- Shortfall in car parking in relation to the crèche and houses.

#### Layout and Design

- Concerns in relation to the rear laneways/number of units within the scheme that break building lines/location of bin store in a prominent location
- Serious concerns regarding the poor design of the apartment block/considered it needs further consideration/little in the way of architectural detailing/lack of integration of the balconies and use of railings add to the poor design of this block/ Block is located in close proximity to Pebble Hill House, a Protected Structure/Stepped height of the apartment blocks would help with the design/use of brick is an inappropriate material/natural limestone on the apartment block and duplex blocks that address the Dunboyne Road would reflect the limestone used on Peddle Hill House and the walls of Carton Demense.
- Revised boundary treatment along the Dunboyne Road and around the crèche to reflect boundary treatment of Pebble Hill House and Carton Demense.
- Internalised access to the duplex units would be a preferred choice
- Proposed heights are considered appropriate
- Semi-private open space around the ground floor apartments units needs further consideration.
- Ground floor WCs should be increased in size to facilitate a show room for future needs of the intended occupants.
- Should be an appropriately designed and designated set down area at the crèche

## Transport

- No objections subject to conditions (see Internal Report below).
- Flooding

Water Services have no objection subject to conditions (see Internal Report below).

- 8.1.2. Section 5 of the Chief Executive's Report sets out that a residential development is appropriate in principle of the New Residential zoning, subject to conditions.

## **Recommendation**

- 8.1.3. Section 6 of the Chief Executive's Report recommends that **Permission be Granted** subject to conditions. Conditions of note include:

2. Phasing – 50 no. units, crèche and public open space 1 and 2 in phase 1, phase 2 remainder of development

3. Amendments – Omit rear laneways/omit units 46, 59, 88 and 97/adjoining units to be redesigned to house type B1 units or similar side entry units/relocate Bin Store C to a less prominent location adjacent to the crèche.

4. (a) Revised design of Apartment Block (b) omission of externalised access to the duplex.

6. Revised materials – Apartment Block and Duplex Blocks

8. (a) Revised boundary treatment plan.

20/21. Revised Strategic Flood Risk Assessment

23 Details of the Toucan Crossing on the R157 Dunboyne Road ( I note reference is made to the R158 roundabout but this appears to be an error – the road to the east of the site is the R157).

26. Detailed design for the proposed upgrading and realignment works on the circa 500m section of the Dunboyne Road from the Castlepark Estate to the R157 roundabout.

27. Proposed upgrading and realignment works on the circa 500m section of the Dunboyne Road from the Castlepark Estate to the R157 roundabout to be completed prior to occupation of the residential units.

29. Detailed design for the proposed off-road shared cycle/pedestrian access from the development along the R157 Dunboyne Road to the Lime Walk/Carton Avenue entrance and to the existing footpath on the R157.

30. Proposed off-road shared cycle/pedestrian access to be completed prior to occupation of the residential units.

33. Financial contribution of 1,350,000 paid by Kildare County Council toward delivery of circa 500m section of the Dunboyne Road from the Castlepark Estate to the R157 roundabout .

34. Details of contractor procurement process.

47. Details of the Lime Walk Connection Foothpath and Lime Walk Ditch Crossing.

48. Transfer of agricultural lands to the east of the application site to Kildare County Council for use a public open space.

### **Internal Reports**

Parks Section – Recommend permission be granted subject to conditions relating to Landscape Design, Trees & Hedgerows, Open Space, Boundary Treatments, Play Areas.

Water Services - No objection to the proposed development subject to conditions relating to surface water drainage, flood risk.

Fire Service – No objection to the application subject to conditions.

Housing (Part V Assessment) – current proposal not acceptable to KCC as all the apt units are clustered in a single block on the same floor/Houses and maisonette type units are also clustered in one location adjacent to the apartment units and should be dispersed through the site/Concerns raised and amendments suggested re development control standards and design criteria including room widths, internal storage, provision of en-suites, parking provision, access from laneways, boundary treatments/Apartments are not generally acceptable.

Roads, Transportation and Public Safety Dept – Letter included from A/Director of Services - Confirm Council to make a Financial Contribution of 1,350,000 towards the cost of the proposed re-alignment works on the Dunboyne Road, subject to conditions.



Parking shortfall of 76 spaces/agree with design for realignment works/amendments recommended to shared cycle/pedestrian access/car parking dimensions should be as per KCC Development Plan/Recommendations in relation to the proposed Toucan Crossing/Recommends a grant of permission subject to conditions relating to the Toucan Crossing, site layout, Mobility Management Plan, details of proposed realignment works/legal agreement for same, details of proposed shared cycle/pedestrian access, road safety audit, CEMP, hours of operation, road opening licence, lighting scheme, CBR tests, surface finishes, cycle track standards, road maintenance, surface water runoff, drainage, construction stage parking.

### Elected Members

Summary of views of the Elected Members of Maynooth Municipal District (Meeting Held on 3<sup>rd</sup> September 2021).

- Creche to be conditioned in the first phase
- Impact on the protected structure Pebble Hill House
- Overlooking of protected structure is a concern (Pebble Hill House)
- Concerns Part V are in one block and not dispersed though the site
- Poor design of apartments
- Poor design generally
- Concerns regarding the height of the apartments
- Access to Carton Avenue is welcomed by some and not by others
- Assurance there will only be one access and no more to Carton Avenue
- Safety concerns regarding quarry pond
- NIS not accurate, does not capture type and volume of affected species
- Traffic assessment carried out during Covid is not a true reflection of traffic conditions.
- Excessive tree removal.
- Concerns regarding local flooding.

- Lack of social infrastructure to support the proposed development, transportation, schools, childcare etc.

## 9.0 Prescribed Bodies

### Irish Water:

- Waste Water - wastewater network will have to be extended approx. 600m/applicant will be required to fund the extension which will be delivered by Irish Water.
- Water - water network will have to be extended by approx. 60 metres/approx. 75 metres of 150mm watermain is required to connect two existing 150mm watermains/applicants will be required to fund the extension which will be delivered by Irish Water.
- Design Acceptance – Applicant has been issued a Statement of Design Acceptance for the development.
- Recommend conditions.

### IFI

- River Rye Water Brown trout, Sea trout, Atlantic salmon. It also supports populations of Freshwater Crayfish and Lamprey (both Habitats Directive Annex II species).
- Construction works have the potential to cause the release of sediments and pollutants into surrounding watercourses/could have a significantly negative impact on the fauna and flora of this sensitive and important freshwater system.
- Comprehensive surface water management measures must be implemented at the construction and operational stage/Silt and Pollution control measures need to be in place
- 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/suggest a condition to require the owner to enter into an annual

maintenance contract in respect of the efficient operation of the petrol/oil interceptor, grease and silt traps.

## 10.0 **Assessment**

10.1.1. The main planning issues arising from the proposed development can be addressed under the following headings-

- Principle of Development
- Design and Conservation
- Proposed Residential Amenities/Residential Standards
- Surrounding Residential Amenity
- Traffic and Transportation
- Ecology/Trees
- Flood Risk/Hydrology & Hydrogeology
- Site Services
- Other Issues
- Planning Authority's Submission
- Material Contravention

## 10.2. **Principle of Development**

### Zoning

10.2.1. The majority of the subject lands are zoned Objective C 'New Residential' which has the following objective: "To provide for new residential areas. This zoning provides for new residential development areas and for associated local shopping and other services incidental to new residential development." A smaller portion of the site to the north-west is zoned Objective B 'Existing Residential' which has the following objective "To protect and improve existing residential amenity; to provide for appropriate infill residential development and to provide for new and improved ancillary services. Within the C and B zoned lands, it is proposed to provide residential development, and associated ancillary infrastructure and open space, and as such, the proposal complies, in principle, with these zoning objectives.

- 10.2.2. A portion of the site to the north-east is zoned Objective I 'Agriculture' which has the objective "To retain and protect agricultural uses. Within this area it is proposed to provide an area of wooded open space and pedestrian walkways. Parks are a use that is considered 'Open for Consideration' within this land use zoning and as such, and as such the proposal complies, in principle, with this zoning objectives.
- 10.2.3. The site also encompasses an area proposed for a linear walkway that links into the Lime Walk. This portion of the site is zoned 'F – Open Space and Amenity' and S 'Carton Avenue'. The F zoning of the site has the following objective 'To protect and provide for recreation, open space and amenity provision.'" The LAP states the following about this zoning: "This zoning objective covers both private and public owned open space dispersed throughout the town. The aim of this land use zoning objective seeks to protect, improve and provide for recreation, open space and amenity provision; to protect improve and maintain public open space and to provide for recreational and sports facilities. Open for consideration uses include park/playground. I am satisfied that the provision of a pedestrian path would be in line with the above zoning objective. In relation to the S 'Carton Avenue' zoning objective, this states the following "To protect and provide for passive amenity use of a 60 metre buffer zone on either side of Carton Avenue / the Lime Walk." Within the LAP the supporting texts states that the area covered by this zoning shall remain undeveloped and shall include a management regime so the character and setting of this historic walkway is protected and improved. A park/playground use is 'Open for consideration'. As such, I am of the view that the pedestrian walkway is, in principle, compliant with the zoning objective, although I have expressed my concerns in relation to historical and landscape impacts on same in Section 10.3 below.

#### Core Strategy

- 10.2.4. The Core Strategy, as revised under Variation No. 1 of the Development Plan, designates Maynooth as a 'Key Town' along with Naas at the top of the county settlement hierarchy. Key Towns are defined as 'large economically active service and/or county towns that provide employment for their surrounding areas and with high-quality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres'. The variation includes for 1,533 growth in units to 2026 and a dwellings target of 657 for between 2020 to 2023, which is set out in Table 3.3 'Settlement Hierarchy'. In relation to same, the applicants have set out in

the submitted Planning Report that there are no significant new permitted developments in the town, since January 2020. In relation to current applications with Kildare County Council, the applicants have cited a proposal for 183 no. apartments (Planning reg. ref. 21370 - Parson Street, lodged on the 23rd of March 2021 with further information requested on 14th May 2021). At the time of writing this report, this application was still at Further Information Stage. Other applications cited by the applicant include Planning Reg. Ref.21155 for 105 no. units which is also at Further Information stage, as well as a further proposal for 47 no. units (Planning Reg Ref 211156) also at Further Information stage. The latter two sites relate to lands at Railpark, Celbridge Road, Maynooth.

- 10.2.5. The Planning Authority have not raised any concerns in relation to the proposal breaching the housing unit allocation for Maynooth nor have any observer submissions raised this as an issue.
- 10.2.6. As such I am satisfied that the current proposal for 194 no units will not breach the housing allocation for Maynooth up to 2023, and furthermore will enable the Planning Authority to achieve this target of 657 dwellings to 2023.

#### Density

- 10.2.7. The proposed density is 36.4 unit/ha (net). The Planning Authority has stated that the proposed density is acceptable. Observer submissions have raised concerns in relation to the density of the proposal.
- 10.2.8. In relation to national policy on density, Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 27, 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures.
- 10.2.9. Table 11 of the Maynooth LAP sets out that the New Residential zoned sites at Dunboyne Road and Dunboyne Roundabout will deliver 73 units, and 182 units respectively, developed at a density of 35 units/ha. The supporting texts states that a residential density of 30-50 units per hectare will fulfil the potential of the suburban sites. Table 12 of the LAP 'Indicative Residential Densities' indicates a general density parameter of 30-50 units/ha for 'outer suburban/greenfield, generally new residential zoning areas'. It is reiterated within the LAP that the densities are

indicative only, with applications for development required to have regard to the 'Sustainable Residential Development in Urban Areas (2009)'.

- 10.2.10. In relation to the Sustainable Residential Development in Urban Areas (2009), I am of the view that the site can be defined as an Outer Suburban/'Greenfield' site, as defined in the Guidelines. These are defined as open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers and ancillary social and commercial facilities, schools, shops, employment and community facilities. A density range of 35-50 is encouraged on such lands.
- 10.2.11. In relation to the criteria as set out in the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (Updated December 2020), I am of the view that, having regard to the range of locations as set out in same document, the site can be defined as a 'Peripheral and/or Less Accessible Urban Location', given the location and nature of same. These locations are generally suitable for higher density development that can comprise of a minority of apartments at low-medium densities, generally less than 45 units per hectare.
- 10.2.12. As such the density proposed in this instance is in line with the density range as set out in the 'Sustainable Residential Development in Urban Areas (2009) for such Outer Suburban/'Greenfield' sites, in the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (Updated December 2020) for 'Peripheral and/or Less Accessible Urban Locations', and is in line with the density range as set out in the LAP for this site.

### 10.3. **Design and Conservation**

#### Design including Height, Layout and Mix

- 10.3.1. The applicant has submitted a number of documents relating to the design, layout and visual appearance of the development including an Architectural Design Statement, an Apartment & Housing Quality Assessment, a Landscape and Visual Impact Assessment and a Landscape Design Statement. Further justification for the design and layout of the proposal is also set out in the Planning Report and Statement of Consistency.
- 10.3.2. The Planning Authority have raised a number of concerns in relation to design and conservation issues which I have addressed in the relevant sections below. Elected

Members have raised concerns in relation to the impact on Pebble Hill House (a Protected Structure) and have also raised concerns in relation to the height and design of the scheme. The proposed link to Carton Avenue is welcomed by some Elected Members and opposed by others.

- 10.3.3. A number of observer submissions have raised concerns in relation to the demolition of the existing barn, design and conservation, and these issues include the potential dominant appearance of the 4 storey apartment block, impact on views, impacts on Carton Avenue (also referred to as Lime Walk or Lime Avenue) and impacts on Pebble Hill House. A number of observers have contended that the visual impact of the proposal from Castlepark has not been considered, and the submitted CGI documentation is not accurate. I have addressed all of these issues in the relevant sections below.
- 10.3.4. In relation to the demolition of the existing barn on the site, I note the Planning Authority has not raised an objection to its removal. The structure, while of some merit in that it is an example of a vernacular traditional style barn, is not a protected structure nor it listed on the National Inventory of Architectural Heritage, and as such its removal to facilitate the efficient use of the site and to allow a development of appropriate density, is on balance, acceptable.
- 10.3.5. In relation to the height proposed, the current proposal consists of 119 no. 2 storey houses, 3 no. blocks of 3 storey duplex units (36 units in total) and 1 no. 4 storey apartment block (31 no. units in total).
- 10.3.6. In relation to national policy on heights, the National Planning Framework supports increases in densities generally, facilitated in part by increased building heights. It is set out that general restrictions on building heights should be replaced by performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth (NPO Objectives 13 and 35 refer). The principle of increased height, such as that set out here, is supported by the NPF therefore, subject to compliance with the relevant performance criteria.
- 10.3.7. In relation to Section 28 Guidelines, the most relevant to the issue of building heights, is the Building Height Guidelines (2018). Within this document it is set out that that increasing prevailing building heights has a critical role to play in addressing the delivery of more compact growth in our urban areas. (Section 1.21 refers).

Section 3.2 of the Guidelines set out development management criteria to be applied when assessing development proposals for buildings taller than prevailing building heights. SPPR 3 of the Height Guidelines states that where a planning authority is satisfied that a development complies with the criteria under section 3.2 of the guidelines, then a development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. In this instance, there is no restriction within the Development Plan in relation to the heights proposed here and the Planning Authority have not objected to the heights proposed. However, given that the 4 storey height proposed is generally higher than prevailing building height (which is generally 2 storey housing, although there are exceptions to this, as set out below), the criteria contained with Section 3.2 of the guidelines are an appropriate framework within which to address the issue of height.

10.3.8. At the scale of the city, I note the site is currently poorly connected with no pedestrian or cycle links to the town centre or surrounding locations. However, the proposal includes the provision of pedestrian and cycle links to the town and to the east of the site. Once these connections are in place the site will be reasonably well served by public transport, with good links to the bus stops in Maynooth town centre and to the train station. The town of Maynooth is served with relatively frequent bus and train links (see detailed discussion on same in Section 10.3.21 below)

10.3.9. A further criteria in Section 3.2 of the Height Guidelines relates to impacts on architecturally sensitive areas, on key landmarks and on key views, I note the Planning Authority have raised an issue, not related to the height *per se*, but in relation to the materiality of the proposal, and its relationship with the materiality of the adjacent Pebble House, a Protected Structure, and with the materiality of boundary treatment of the Carton Estate. I have discussed the issue of materiality below. In relation to visual impact and impacts on key views, the application is accompanied by a Landscape and Visual Impact Appraisal which considers same. This notes that the site is designated as being the in the 'Northern Lowlands', as defined in Kildare's Landscape Character Area study, and such areas are deemed 'Class 1 Low Sensitivity' and as being 'an area with the capacity to generally accommodate a wide range of uses without significant adverse effects on the appearance or character of the area'. 11 no. views were selected for analysis, with a rationale for each selection set out in the report. Of particular note is view 11, a long



distance view looking west from Carton Demesne, which is a protected view as defined in the Kildare County Development Plan 2017-2023. In terms of impacts, it is set out in the report that, from the majority of views, the visual impact would be neutral (Views 1, 3, 4, 5, 8 and 11) or there would be no impact (Views 6, 7, 9 and 10). Where an adverse impact was identified (View 2 - Looking north from Dunboyne Road - about 200m west from the roundabout) this was considered to be short-term, with the impact changing to neutral as the landscaped boundary re-establishes a semi-rural character in the medium to long-term. Overall the report concludes that the development is regarded as a neutral change to the landscape of the area. I concur with the conclusions of the report and I am satisfied that the overall visual impact will be neutral and there will be a neutral impact on the key views (View No. 11) from the Caron Demense. In relation to views from Castlepark estate, View No. 5 of the CGI booklet indicates a view from the Castlepark Estate and it is seen that the proposed development sits at a lower elevation than the existing dwellings, and will have a very limited visual impact on same. I do not consider that there is a need for additional views from Castlepark nor do I have evidence that the accuracy of the CGIs is in question.

10.3.10. In relation to impacts on architecturally sensitive areas, the application is accompanied by a Conservation Appraisal (dated 18<sup>th</sup> February 2021). This notes that there are no protected structures on the site. To the western boundary, there is a farmhouse and outbuildings 'Pebble Hill'. This is included in the Record of Protected Structures in the Kildare County Development Plan (Ref B05-77), with the description 'House'. The house is not listed in the Record of Protected Structures in the Maynooth LAP, or in the variation to the LAP, published in 2018. The house is not included in the National Inventory of Architectural Heritage. The site is not in or adjacent to an architectural conservation area, although the town of Maynooth is an architectural conservation area, the boundary of which is approximately 600m from the application site. The Conservation Appraisal sets out a description of Pebble Hill House and the Carton Estate. In relation to the latter, it is set out in the report that the site was never part of the Carton demesne, the extent of which is clearly defined by the high demesne wall that encloses the land and from Ordnance Survey mapping. It is stated that it is unclear if the avenue from Carton to Maynooth (Lime Avenue) was ever part of the Carton demesne. In any event it is noted that the

closest point the nearest house is 190m from the avenue. It is stated that the application site boundary is some 65m from the avenue. This is incorrect as the application site boundary effectively adjoins the avenue by virtue of the proposed pedestrian/cycle link. There is no appraisal in relation to the latter link, in terms of the impact on the landscape heritage value of the avenue itself, and this is a concern in my view, given the historical value of the avenue. I am of the mind to recommend that the pedestrian link to Lime Avenue be omitted from the scheme, given the lack of any assessment of the conservation and heritage impacts of same. I do not consider that this should necessarily preclude the applicant pursuing this as an option at a later date, subject to the necessary supporting documentation being provided. While the link provides a useful and off-road pedestrian and cycle link, similar provision is provided adjacent to the R157 to the east of the site by way of a shared pedestrian/cycle link. I note that there are existing informal and formal links provided to the avenue from other residential areas within Maynooth, namely Carton Square and Limetree Hall, further to the south-west along Lime Avenue. However I do not consider that these necessarily justify further incursions into the avenue, without adequate justification or an appraisal in relation to the impacts of same.

10.3.11. The Conservation Appraisal considers impacts from the protected views at Carton Estate and on views generally from the estate. It is noted that views out of the estate are limited with the exception of views from the higher ground near Tyrconnell Tower. The proposed development would be visible from same, but would be seen in addition to other housing within Maynooth Town. Views are not possible from other areas due to distance or tree cover. The report notes the view along Carton Avenue/Main Street is protected and states the proposed development will not impact same. I am satisfied that views along the avenue will not be impacted, notwithstanding my concerns in relation the proposed pedestrian link above.

10.3.12. In relation the impact on Pebble Hill, the report notes the tree screening is to be maintained directly adjacent to Pebble Hill. The report concludes that there will be no negative impact on the character and setting of Pebble Hill. I concur with the conclusions of same, and I am satisfied that having regard to the height of the proposed apartment block, the screening provided by the trees and the distance from Pebble Hill to the proposed apartment block (approximately 33m from the house, and 27m to the boundary of Pebble Hill), the proposal will not negatively

impact on the character and setting of Pebble Hill house, the associated outbuildings or on the boundary of same. I note that the proposal intends to reuse an existing disused entrance to Pebble Hill House, providing an alternative entry/exit point to same, allowing for safer access to this property. This is not a traditional gateway and the Conservation Appraisal concludes that the modifications to the gateway will not impact on the historic fabric or on the character of the protected structure and its curtilage, and I concur with these conclusions, given that this existing gate appears to be a modern addition to the property.

10.3.13. At the scale of the district/neighbourhood/street, and also in response to Criteria 1 of the Urban Design Manual – Context, I am of the view that the proposal responds well to the context of the site, and provides a positive contribution to the creation of a streetscape along Dunboyne Road, with the 4 storey apartment block and the 3 storey duplex units providing definition along this frontage. The height, scale and appearance of the proposal is generally in keeping with the more recently completed development at the adjacent Mariavilla development, a recently constructed SHD development permitted under ABP-301230-18. This constructed development consists of residential 2 & 3 storey houses, terrace and semi-detached, and 3 storey duplex blocks. The current proposal consists of 2 storey houses, 3 storey duplex units and 1 no. 4 storey apartment block. The Castlepark development, immediately to the south and south-west of the site, is comprised of more traditional suburban style larger dwellings which are 2 storeys in height. This proposal, with one element of 4 storey built form to the west of the site and 3 storey elements is somewhat higher than same. However it is not overly dominant and the additional height is not significant in my view, and is limited to that portion of the site that fronts onto Dunboyne Road. For the most part the development consists of 2 storey terraced and semi-detached housing. I am of the view that the overall scale and quantum of development is generally appropriate for the site's context (see also discussion also on density above).

10.3.14. In relation to the detailed design of the development, including the materials proposed, the Design Statement sets out the approach to same. Brick and render are proposed as the principal finish to all the house and maisonette units, finished in a 'biscuit' colour. The apartment and duplex elevations adjacent to the Dunboyne Road and Pebble Hill House will have also have brick and render finish with an

alternative buff/brown colour, with metal framed balcony structures and low maintenance contemporary metal balustrades. The Planning Authority have raised concerns in relation to the overall design of the apartment block, citing the lack of architectural detailing, the use of railings for the balconies and the materiality of the block, which should be more reflective of the materiality of the boundaries of Pebble Hill House and Carton Estate. It is suggest that the height of the apartment block should be stepped up from the western boundary of the site and natural limestone should be utilised for the apartment blocks and apartment units. The Planning Authority have also suggested that an internalised access to the duplex units would be preferable to the external access units proposed here. The Planning Authority have also raised concerns in relation to the rear laneways and note that a number of units within the scheme that break building lines, and have suggested omitting units 46, 59, 88 and 97. The location of bin store in a prominent location is also raised as a concern.

10.3.15. In relation to the concerns raised by the Planning Authority, I am not of the view that that a redesign of the apartment blocks is necessary and architectural detailing is provided by way of the use of contrasting brick and render materials. I am not of the view that a stepping up in height is necessary. The 4 storey block is some 27 m from the boundary of Pebble Hill House and is some 33m from the house itself and does not visually dominant same, and benefits from substantial screening provided by the retained trees. In relation to the materiality, I am satisfied that the proposed finishes to the apartment and duplex blocks has had sufficient regard to the context and materiality of the boundary treatments of Pebble Hill and Carton Estate and I am not of the view that an alternative treatment such as natural limestone render is necessary. However, should the Board consider that this would be of benefit to the scheme, I would recommend that this alternative finish is sought be way of condition. In relation to external accesses proposed, I am of the view that the duplex units are well designed and do not consider that the external accesses detract from the visual amenity or the amenity of the units as a whole. In relation to the issue of building lines, and the suggested omission of units 46, 59, 88 and 97 I am not of the view that this is necessary. I do not consider that is required, in urban design terms, to slavishly follow a building line in all instances, and the location and design of these units add visual interest to the scheme. The laneway access to some of the housing

units allows for bins, cycles etc to be brought out without the need to bring such items through the property and is a benefit in my view, which outweighs any potential amenity concerns in relation to same. In relation to the location of the bin store, to the south of the apartment block, adjacent to the crèche play area, I concur that the location of same is unduly prominent and inappropriate, given its location adjacent to the crèche play area. Details of an alternative location for same should be agreed with the Planning Authority.

10.3.16. Criteria 3.2 sets out that, at the neighbourhood scale, proposals such as these are expected to contribute positively to the mix of use and building dwelling typologies, I have considered the mix and building typologies below in Section 10.3.22 of this report, and I have concluded the proposal complies with this criteria.

10.3.17. While the principle of the proposed heights are acceptable, further criteria to be considered within Section 3.2 include the need to ensure that the massing and height of the proposed development is carefully modulated so as to maximise access to natural daylight, ventilation and view and minimise overshadowing and loss of light, with appropriate and reasonable regard taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out. I have set out my assessment of the internal amenity of the proposed units, as results to daylight and sunlight in Section 10.4 below, and I am satisfied that a sufficient standard of daylight and sunlight would be provided to the units. I have considered the issue of overshadowing of proposed amenity spaces in Section 10.4 below. I have considered the issues of surrounding residential amenity, in relation to overshadowing, daylight and sunlight in Section 10.5 below, and I am satisfied that there will be no significant adverse impact on surrounding residential amenity, as relates to daylight, sunlight and overshadowing impacts.

10.3.18. In relation to specific assessments, the Guidelines require that such assessments may be required, and refer to an assessment of the micro-climatic effects of the proposed development. In relation to same, I am not of the view that the height is

such that any specific technical assessments such as wind study or telecommunications study is required nor are the site sensitivities (in relation to birds and bats) such that at a specific bat or bird collision study/assessment is required.

10.3.19. The Design Statement submitted with the application evaluates the proposal against the criteria in context of the 12 design criteria set out in s.28 Urban Design Manual – A Best Practice Guide and it is stated that the proposal complies with same. In relation to the criteria set out the Urban Design Manual, I have evaluated the proposal in relation to same below.

*Criteria 1 Context*

10.3.20. I have considered this issue in paragraph 10.3.12 above and I have concluded that the overall scale and quantum of development is generally appropriate for the site's context (see also discussion also on density above).

*Criteria 2 Connections - How well connected is the new neighbourhood?*

10.3.21. In relation to pedestrian and cycle connections, there is no existing cycle and pedestrian facilities on the Dunboyne Road, immediately adjacent to the site and as such the site is currently poorly connected to the town of Maynooth. The proposal provides for upgrades along the northern section of the Dunboyne Road in the vicinity of the subject site which will include new cycle and pedestrian facilities (see also discussion in Section 10.6 of this report). These upgrades include new footways and cycle tracks along the Dunboyne Road corridor and the R157. Further connections are provided via a shared cycle/pedestrian facility proposed from the eastern side of the eastern site access road and continuing to Lime Walk, which in turn provides connection to Maynooth Town Centre and the R157, creating an off-road cycle and pedestrian route between the subject site and Maynooth Town Centre. With these upgrades in place, the pedestrian and cycle connections to the town of Maynooth, and to the Carton Estate, will be varied, with the connection to the Lime Walk via the R157 in particular providing the opportunity for an off-road cycle and pedestrian route to the town centre. Walking times via the western site entrance on the Dunboyne Road to the town centre and bus stops will be approximately 11mins (850m), approximately 20 (1.5km) minutes to Maynooth Train Station and approximately 23 minutes to the university (1.8km).

10.3.22. In terms of public transport, Dublin Bus operates two no. bus services between Maynooth and Dublin City Centre, including bus routes 66 and 67. The bus stop for route No. 66 is located on Main Street, Maynooth and is approximately 0.95km from the subject site, while the stop for route No. 67 is located approximately 1.2km from the site. Route No. 66 operates generally on a 30 minute frequency Monday to Sat, with a slightly shorter frequency in the AM Mon-Fri peak from Maynooth (minimum 15 min) and with reduced frequencies on Sundays. This route serves Maynooth, Leixlip, Lucan, Chapelizod, Parkgate St and Merrion Sq. The 67 operates generally on a 30 minute frequency Monday to Sat, with reduced frequencies on Sundays. The 67 serves Celbriidge, Lucan, Liffey Vally, Chapelizod, Parkgate St, O'Connell Bridge and Merrion Sq. There is also 6 no. Bus Eireann Services which serves Dublin Airport/ Longford (route 22), Dublin Airport/Sligo (route 23), Dublin/Dublin Airport/Galway (20/X20) and Dublin/Dublin Airport/Mullingar (115). There are rail services from Maynooth Station and the site is located approximately 1.5km from same. Services operate between Maynooth-Dublin, Longford-Maynooth-Dublin and Sligo-Longford-Maynooth-Dublin. There are 36 services per day between Dublin and Maynooth (37 between Maynooth and Dublin). As such the town is well served by public transport.

*Criteria 3 Inclusivity - How easily can people use and access the development?/*

*Criteria 9 Adaptability How will the buildings cope with change?*

10.3.23. The proposal has provided a relatively wide variety of housing typologies, although there the majority of the units are houses (119 no), although there is a variety in terms of house types provided. I have set out the mix of units below.

<b>Unit Type</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>5 bed</b>	<b>Total</b>
House	-	7	89	22	1	119
		5.9%	74.8%	18.5%	0.8%	
Apartment/Duplex	22	35	18	-	-	75
%	29%	47%	24%			
Total unit mix	22	42	107	22	1	194
%	11.3%	21.6%	37.8%	11.3%	0.5%	

10.3.24. I am satisfied that the mix provides for household choice and the creation of a diverse community and would accommodate a range of age cohorts and household types, including downsizing and freeing up under occupied larger units in the vicinity.

10.3.25. In terms of adaptability, Section 9 of the Architectural Design Statement set out how the proposal has responded this criteria. Within the housing units, the roof space allows for future conversions to a habitable room. Internally the housing units allow for future adaptations including the addition of an accessible shower room and an internal lift. Internal design features within the apartments and houses include level transition at all doors and sufficient door clearance space also allow for universal access.

*Criteria 4 Variety - How does the development promote a good mix of activities?*

10.3.26. Given the nature of the proposal as a Strategic Housing Development, the proposal is by definition limited in terms of the mix of uses that can be provided. However, a crèche of 303.5sq. m, has been provided, and a variety of open space with play areas. Overall therefore a good mix of activities has been provided.

*Criteria 5 Efficiency - How does the development make appropriate use of resources, including land?*

10.3.27. I have considered the issue of the quantum of development, in terms of density, above, and have concluded that overall the quantum of development is appropriate for the site context, and makes efficient use of land. The Building Lifecycle Report sets out a number of energy efficient measures that have been incorporated into the design, which will ultimately reduce the overall light and heat demand of the finished units. The proposal also provides EV charging points.

*Criteria 6 Distinctiveness - How do the proposals create a sense of place?/Criteria 12 Detailed Design - How well thought through is the building and landscape design?*

10.3.28. I have considered the issue of materiality in paras 10.3.13 and 10.3.14 above. The scheme addresses internal road junctions/corners in a positive manner, with dual frontage end of terrace units provided at a number of locations. The apartment units and duplex units which are relatively taller in height, at 4 and 3 storeys respectively, provide an edge along the Dunboyne Road. While the scale of the scheme does not



necessarily require the need to provide a wide variety of character areas, the proposal has provided provide a range of housing typologies within the overall development. The overall environment created by the development is considered to be pleasant given the large areas of open space within easy access of the units.

*Criteria 7 Layout - How does the proposal create people friendly streets and spaces?*

10.3.29. DMURS (2019) states that that when designing new street networks designers should implement solutions that support the development of sustainable communities. In general, such networks should be based on layouts where all streets lead to other streets, limiting the use of cul-de sacs that provide no through access and should maximise the number of walkable/ cycle routes between destinations.

10.3.30. In this instance the applicant has allowed for cycle and pedestrian connections both from the Dunboyne Road and via Lime Walk (via the R137), the latter of which provides an off-road route into Maynooth Town Centre. I have recommended the connection to the Lime Walk via the internal pathway is omitted for the reasons I have outlined in Section 10.3.9 above. The internal road layout has avoided cul-de-sacs.

*Criteria 8 Public Realm - How safe, secure and enjoyable are the public areas?*

10.3.31. Each of the public spaces that have been provided benefit from passive surveillance from the housing, duplex and apartment units, As noted the pedestrian and cycle paths via the R137 allows for safer car free access to Maynooth Town Centre.

*Criteria 10 Privacy and Amenity – How does the scheme provide a decent standard of amenity?*

10.3.32. I have discussed compliance with this criteria in detail in Sections 10.5 (in terms of neighbouring amenity) and 10.4 (in terms of residential standards). In general however it is considered that the amenity space provided for each unit is sufficient in quality and quantity, and I note that 77% dual aspect units are provided (of the duplex/apartment units).

*Criteria 11 Parking - How will the parking be secure and attractive?*

10.3.33. The quantum of parking is discussed in Section 10.6. In terms of compliance with Criteria 11, I note that the proposed car parking will be easily accessible to residents

and that the spaces are overlooked by residents and pedestrians. Secure cycle parking facilities are provided.

#### 10.4. **Proposed Residential Amenities/Residential Standards**

##### Daylight, Sunlight and Overshadowing

10.4.1. I note that the criteria under section 3.2 of the Building Height Guidelines include the performance of the development in relation to daylight in accordance with BRE criteria, with measures to be taken to reduce overshadowing in the development. Sections 6.5 to 6.7 of the Sustainable Urban Housing: Design Standards for New Apartments (December 2020) also contain similar requirements as relates to daylight provision. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria. Section 1.6 of the BRE 209 Guidelines states that the advice given within the document is not mandatory and the aim of the guidelines is to help, rather than constrain the designer. Of particular note is that, while numerical guidelines are given with the guidance, these should be interpreted flexibility since natural lighting is only one of many factors in site layout design, with factors such as views, privacy, security, access, enclosure, microclimate and solar dazzle also playing a role in site layout design (Section 5 of BRE 209 refers).

10.4.2. Section 17.2.5 Overshadowing of the Kildare Development Plan 2017-2023 states that:

*Where development of a significant height is located close to existing development, the planning authority may require daylight and shadow projection diagrams to be submitted. The recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE 1991) or Lighting for Buildings Part 2 1992: Code of Practice for Day Lighting B.S. 8206 and any updates to these documents should be followed as a minimum in this regard.*

10.4.3. The application is accompanied by an Internal Daylight, Sunlight and Overshadowing Report. In relation to daylight the report demonstrates that 98% of the habitable rooms assessment will meet the minimum recommended ADF (Average Daylight Factor) with 99% of the rooms meeting the recommended criteria for NSL (No Sky Line). In relation to internal sunlight, 83% of the relevant windows will meet the criteria for winter sunlight, and 82% for total (annual) sunlight, with 99% of rooms

meeting the winter and annual targets. In relation to overshadowing of open spaces, all four public amenity areas will meet the BRE guidelines. 35 out of 45 private amenity areas will meet the 21st March test, with all areas meeting the 21st June assessment.

10.4.4. In terms of daylight, the report uses the following ADF values in the assessment:

- 2% for a kitchen/living/dining room, living/dining room, office and living/kitchen/dining room  
1.5% for a living room, and 1% for a bedroom.

10.4.5. A total of 834 habitable rooms were assessed for ADF (and NSL) within the development. A total of 820 rooms (98%) meet or exceed the minimum recommended ADF targets. Of the 12 no. LKDs, LDs or KD spaces that fall below the 2% target, 11 of the 12 rooms will achieve an ADF of over 1.9%, with the remaining room achieving a target of 1.89%.

10.4.6. In terms of NSL, all 12 rooms will also achieve an NSL to over 90% of the room area, which exceeds the 80% target implied by the BRE Guidelines.

#### Sunlight

10.4.7. In relation to sunlight, 553 of the 663 relevant windows will meet BRE targets for winter sunlight and 541 windows for total sunlight. The report notes that for a dwelling to appear reasonably sunlit, at least one main window within 90 degrees of due south, and it is reported that 99% of rooms will meet the BRE target criteria. Where the target has not been achieved, the living rooms in question are over-sailed by projecting balconies, which limits the amount of sunlight hitting the centre point of the window.

#### Overshadowing of Amenity Spaces

10.4.8. The BRE Guidelines recommend that for a garden or amenity area to appear adequately sunlit throughout the year, at least 50% of the area should receive at least two hours of sunlight on March 21st.

10.4.9. The report considers 45 no. private amenity areas and it is stated that 35 out of 45 of the proposed private amenity areas will comply with the recommended BRE criteria, achieving two or more hours of direct sunlight to over 50% of their areas on the 21<sup>st</sup> March. In relation to the public open spaces, all 4 no. spaces will achieve recommended BRE criteria. On 21<sup>st</sup> June it is found that 100% of the private amenity

spaces two or more hours of direct sunlight to over 50% of their areas on the 21<sup>st</sup> March. In relation to those private amenity spaces that do not achieve the recommended BRE Guidelines on 21<sup>st</sup> March, these areas have built form to the south and/or boundary walls. I note that the report has not considered all of the amenity spaces and has not set out a justification for this approach. However, those spaces that have been analysed are varied in terms of their orientation, and to my mind are a representative selection of the amenity spaces as a whole. I am satisfied that is likely a similar proportion of spaces (78%) would achieve BRE recommended standards, if the study was carried out on 100% of the amenity spaces.

#### Conclusion on Daylight/Sunlight/Overshadowing

10.4.10. As expected in a scheme of this nature, in which heights are not excessive, with the majority of the built form being 2 storey houses, with one no. 4 storey block and 3 no. 3 storey duplex blocks, and where the site is surrounded by low density development, levels of internal daylighting and sunlighting are shown to be relatively high, and the proposed amenity spaces receive sufficient sunlight, and only few instances of 'failures' or non-compliance with BRE targets have been identified. As set out in Section 10.3 above, Section 3.2 of the Building Height Guidelines states that appropriate and reasonable regard taken of quantitative performance approaches to daylight provision as set out in BRE 209 and where a proposal may not be able to fully meet all the requirements of the daylight provisions set out in same, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out. The applicant has clearly identified where the proposal has not meet the BRE targets and these are few in quantity and minor in the quantum of the shortfall. While compensatory design features are not explicitly put forward by the applicant, I note that the units themselves are generally larger than the minimum standard, in terms of floor areas, and 77% of the proposed apartment and duplex units being dual aspect. The apartment units are located directly adjacent to the area of landscaped open space (POS1) and will benefit from same, as well as from the other areas of open space provided on the overall site. As such the proposal is in line with Sections 6.5 to 6.7 of the Sustainable Urban Housing: Design Standards for New Apartments (December 2020) and also complies with the requirements of criteria 3.2 of the Building Height Guidelines.

#### Public Open Space/Communal Open Space

10.4.11. Section 17.4.7 of the Development Plan states that, in greenfield sites, the minimum area of open space that is acceptable within the site is 15% of the total site area. 4 no. 'principal' open spaces have been provided with the residential net site area, and the total area of these spaces is 0.844 Ha, equivalent to 15.82% of the net site area. In addition, a landscaped quarry area is being provided (0.827 Ha) as well as a 'Limewalk Link' (0.203 Ha). The total open space being provided therefore is 1.874 ha, which is 24.81% of the gross site area, exceeding Development Plan Standards.

10.4.12. In terms of the quality of open space provided, the layout is a logical one, with the Design Statement noting that no. dwelling is more than 150m from an area of public open space. The main area of open space (POS 2 – Natural Park) is centrally positioned, and will be overlooked by housing on three sides. The two remaining open spaces are located to the east and west of the site, close to the entrances and are overlooked by the apartment and duplex units.

10.4.13. In relation to communal open space to the apartments, maisonettes and duplexes, a total of 517 sq. m. is required, with a total of 540 sq. m provided. The Planning Authority have suggested that the communal open space to the apartment blocks needs further consideration. In relation to same, I note that an area to the west of the proposed apartment block has been provided, which is clearly defined by way of a 1.0m high railing (as per the Boundary Treatment Plan). I am satisfied that this area will provide sufficient amenity to the proposed apartment units.

#### Private Amenity

10.4.14. The houses, duplex and apartment units are provided with either a terrace or garden area, or balcony of sufficient size and which meet or exceed standards.

#### Dual Aspect

10.4.15. 77% of the proposed apartment and duplex units within the scheme are dual aspect, in excess of the 50% required by the SPPR 4 of the Apartments Guidelines, for suburban sites such as this one.

#### Floor Area

10.4.16. The apartment floor areas meet or exceed the minimum standards provided in Appendix 1 of the Apartment Guidelines.

### **10.5. Surrounding Residential Amenity**

- 10.5.1. To the south-west and south of the site is the Castlepark Housing Development, which is 2 storey housing. There is proposed housing units to the north and north-east of Castlepark Drive.
- 10.5.2. The Planning Authority have not raised any concerns in relation to residential amenity.
- 10.5.3. A number of observer submissions have raised concerns in relation to residential amenity, including concerns relating to loss of sunlight, daylight and overshadowing and the accuracy of the submitted assessment, overlooking, noise impacts from the crèche and impacts on views. I have considered all of these issues in the relevant sections below.

#### Loss of Sunlight/Overshadowing

- 10.5.4. Section 3.2.2 of the BRE Guidelines states “Obstruction to sunlight (to existing dwellings) may become an issue if –
- (i) some part of a new development is situated within 90° of due south of a main window wall of an existing building.
  - (ii) ...the new development subtends an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room.
- 10.5.5. To this end, in respect of the proposed development, as all of the dwellings potentially affected at Castlepark are south of the proposed development, it can be confirmed that the new development is situated outside of “90° of due south” of these houses. The proposed development is therefore not considered to cause an obstruction to sunlight, and as such no further tests in respect of overshadowing to these properties is required. I am satisfied that in respect of overshadowing, given the orientation of these dwellings (south of the proposed development) there is no potential adverse impact as a result of overshadowing.

#### Daylight

- 10.5.6. In designing a new development, it is important to safeguard the daylight to nearby buildings. BRE guidance given is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. Tests that assist in assessing this potential impact, which follow one after the other if the one before is not met, are as noted in the BRE Guidelines:

1. Is the separation Distance greater than three times the height of the new building above the centre of the main window (being measured); (ie. if 'no' test 2 required)
2. Does the new development subtend an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room (ie. if 'yes' test 3 required)
3. Is the Vertical Sky Component (VSC) <27% for any main window? (ie. if 'yes' test 4 required)
4. Is the VSC less than 0.8 the value of before ? (ie. if 'yes' test 5 required)
5. In room, is area of working plan which can see the sky less than 0.8 the value of before ? (ie. if 'yes' daylighting is likely to be significantly affected)

10.5.7. Section 5 of the Internal Daylight, Sunlight and Overshadowing Report considers the impacts on existing neighbouring properties i.e. those dwellings at Castlepark Drive. The report and associated drawings in Appendix V of the report show that all of the properties meet the 25 degree test and that as a result neighbouring properties should retain sufficient levels of daylight and sunlight amenity. As such it is concluded that no further tests are required. I note an observer submission from an occupier of Castlepark Drive states that the drawings within the report are not correct, and it is stated that, in fact, the 25 degree test is not passed. This submission has included drawings indicating that the 25 degree test is not, in fact, passed. I concur with the view that the accuracy of the drawings within the applicant's report is somewhat in doubt. From my site visit it was evident that the houses and rear gardens at Castlepark were at a higher elevation than the application site. From the CGI documentation (View 5 refers), it is evident that the proposed houses sit at a lower elevation than the existing dwellings at Castlepark. However this would not affect the result of 25 degree test, and the dwellings at Castlepark would still pass this test, by virtue of their higher elevations, and as such the impact would be even less, and as such I am satisfied that any impact on daylight to these dwellings would be within BRE guideline targets.

10.5.8. Having regard to the above I am satisfied that there will be no material impact on sunlight and daylight levels to existing properties, nor will the proposed development result in any overshadowing of existing amenity spaces.

### Overlooking/Loss of Privacy

- 10.5.9. The nearest dwellings, Castlepark Drive to the south and southwest are set back at least 20.5 m from the proposed houses (with the nearest directly opposing windows also located at least 20.5 m from each other). This is a sufficient distance to ensure that no material overlooking occurs. Overall I am of the view that the layout of the proposed development, and its relationship to existing residential properties is such that no material overlooking or loss of privacy will occur.

### Visual Impact/Visual Amenity/Impact on Views

- 10.5.10. In relation to visual impact, I have discussed this in detail in Section 10.3 above, and in summary, I am of the view that the proposal has responded well to its context and the proposal would not present an overbearing visual impact on surrounding developments. In relation to views from Castlepark, I have considered impacts on same in Section 10.3 above.

### Noise

- 10.5.11. Concern has been raised in relation to noise impacts from the crèche area. I note that this crèche is set back a significant distance from the nearest existing dwellings, and any noise generated from same will be within normal working hours. As such I do not consider any material impact will result from same, having regard to noise.

## **10.6. Traffic and Transportation**

- 10.6.1. In relation to traffic and transport issues, I have had regard to the Traffic and Transport Assessment (dated 16/07/2021), the DMURS Design Statement (July 2021), the Infrastructure Design Report (dated July 2021) and the Construction and Environmental Management Plan (July 2021).
- 10.6.2. I have also had regard to the submission from the Planning Authority, from Prescribed Bodies as well as observer submissions.
- 10.6.3. The Planning Authority submission, in relation to transport Issues, have noted a shortfall in car parking provision, but have not raised any in principle objection to the development, subject to conditions. Elected Members have stated that the traffic assessment carried out during Covid is not a true reflection of traffic conditions.
- 10.6.4. Observer submissions state that train services in Maynooth have already reached capacity. A number of observer submissions welcome the proposals to realign the



Dunboyne Road. In relation to the submitted TTA, it is stated that the report fails to take account of the new road through Mariavilla referred to as junctions 5 & 6 in the traffic surveys and that the baseline traffic surveys were carried out during lockdown period, did not factor in school or university traffic, did not factor in traffic that will emerge from what is now a blockaded road from the west to east of the town. Concern is raised that the improved Dunboyne Road will become a rat run which will ultimately replace the long delayed ring road and that traffic will become worse due to the road improvement alone. It is stated that the Maynooth Eastern Relief Road is not due for completion until 2024. It is stated that no further development should take place until the supporting roads infrastructure, including a park and ride facility, is put in place, and that cycling and walking infrastructure is poor and needs substantial investment. It is further contended that the connecting paths to Lime Walk are unnecessary and the council plans to have a continuous footpath and cycle track around the entire perimeter of land within the Dunboyne Road, Blacklion Road and Leixlip Road boundaries. The previous refusal in the site relating to road infrastructure and the dangerous bend on the Dunboyne Road are also raised as issues in the submissions.

#### Proposed Transport Infrastructure in the Wider Area

- 10.6.5. The Maynooth LAP sets out a number of roads objectives and Map 1 of the LAP illustrates same. The permitted Mariavilla Development has delivered a section of link road (Objective TRO 2(g) as defined in the LAP) which links the Dunboyne Road corridor with the Moyglare Road corridor as per the LAP objective. This includes a 6.5m wide road carriageway and a 2m wide cycle track with adjoining 2m wide footpath on both sides of the carriageway. In addition the Maynooth Eastern Ring Road has been granted permission (Objective TR02 C – between the Celbridge Road (B) and the Leixlip Road (E) and delivery of same is expected in the next two years. In addition it is of note that permission has been granted for the Maynooth Orbital Route from Mariavilla to the R157 Moygaddy Junction (currently being Judicially Reviewed).
- 10.6.6. I note that, for the purposes of the Traffic Assessment (see below), the proposal assumes that, with the exception of the link road which has been developed, the above roads proposals will not be constructed by the future design year, in the interests of providing a worst case scenario assessment.

### Proposed Bus and Rail Improvements

- 10.6.7. Under BusConnects, Maynooth is to be served by the route C3 which has a similar route to the existing 66, but will utilise the Chapelizod Bypass, improving journey times to the City Centre. Route W8 will operate between Maynooth and Tallaght, with an additional bus service operating at peak hours only between Maynooth and Merrion Sq. (Route 325).
- 10.6.8. The Dart+West programme will extend DART services as far as Maynooth. Information on the dedicated website related to same states and result in an increase from the existing 6 trains per hour to 12 no. trains per hour. This will increase capacity from 5,000 per hour to 13,200 per hour (I note that the TTA has slightly outdated information in relation to capacity of same). This is currently at a second round of public consultation. In terms of timeline, as of the time of writing this report, it is stated on the dedicated website that, subject to the Railway Order being granted by An Bord Pleanála, it is expected that construction stage work is expected to commence in 2023 and will be completed/operational in 2027<sup>1</sup>

### DMURS/Proposed Transport Infrastructure

- 10.6.9. A DMURS Design Statement has been submitted with the application. This highlights the improvement to the Dunboyne Road which will provide an important arterial link to Maynooth and the R157. The internal road network delivers a hierarchy of local streets, with local primary and secondary streets. Pedestrian and cycle linkages are provided to the wider pedestrian and cycle network, providing permeability through the site. The creation of a sense of enclosure, reducing the dominance of car parking, footpaths of sufficient width, pedestrian crossing facilities, traffic calming features, appropriate use of materials, have all been considered within the scheme.
- 10.6.10. Section 3.3 of the Design Manual for Urban Roads and Streets considers permeability and legibility and states that inter alia designers should maximise the number of walking and cycle routes between destinations. Criteria 2 of the Urban Design Manual (the companion document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009 ) considers connections and notes that attractive routes should be provided for pedestrians and

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<sup>1</sup> [DART+ DART+ West \(dartplus.ie\)](http://dartplus.ie)

cyclists and that proposals should prioritise the pedestrian and cyclist in the layout and design of the public realm.

10.6.11. In relation to the transport infrastructure upgrades proposed under this current application, it is proposed to upgrade approximately 500m of the existing Dunboyne Road in a section between Castle Park and the R157 roundabout. This includes realignment and widening of the road and the provision of cycle lanes and footpaths. It is proposed to upgrade and realign the existing Dunboyne Road, which is substandard in terms of width, horizontal curvature and pedestrian and cycle facilities. Segregated cycle and pedestrian routes are proposed on both sides of the road from a point west of the site (to tie into the existing cycle and pedestrian facilities) to a point north of the site, where a toucan crossing is proposed. From this point a shared pedestrian/cycle path is proposed on the southern side of the road which provides a link to the proposed pedestrian link to Lime Walk (the merits of which I have discussed in Section 10.3 above). This shared pedestrian/cycle route continues to the north and east of the site, along to the R157 to link to the eastern extent of the Lime Walk.

10.6.12. I note the Planning Authority is proposing to part fund the Dunboyne Road upgrades and have suggested conditions relating to same, including a condition (KCC Recommended Condition No. 33) that suggests a legal agreement which will include an obligation on KCC to deliver a financial contribution towards the road. I do not consider such a condition is appropriate as generally conditions are an obligation on the developer and not on any other party. However I am recommending a condition that none of the residential units is occupied prior to the completion of the road and related cycle/pedestrian links and that the crèche is not operation prior to the completion of same. Subject to this condition being imposed, I am satisfied that this scheme will deliver sufficient footpath and cycle links to the west and the east of the site, adequate to serve the development.

#### Access/Servicing

10.6.13. Proposed vehicular/servicing is via 2 no. site access points from the Dunboyne Road and adequate sightlines have been demonstrated from point access points.

#### Car and Cycle Parking

10.6.14. I note a Material Contravention Statement has been submitted by the applicant which considers the issue of inter alia car parking provision. As I have concluded in Section 10.13, I am not of the view the proposal represents a material contravention as relates to car parking, for reasons which I have set out in Section 10.13.

10.6.15. Table 17.9 of the Kildare County Development Plan sets out the car parking standards for new developments, and for the overall development the Development Plan requirement is 370 no. spaces, with an additional 20 no. crèche spaces. It is proposed to provide a total of 336 no, car parking spaces. For the 3+ bed houses, it is proposed to provide 2 no. spaces per unit. 1.25 spaces per 2 bed house is provided and for the apartment units. For the apartment/duplex units, the parking space is not provided with the unit, but rather annual permits and visitor permits will be issued to the owners/occupiers of same.

10.6.16. Section 17.7.6 'Car Parking' of the CDP states that lower rates of parking may be appropriate at certain sites. In determining this the Council will have regard to criteria which I have set out below:

- The proximity of the site to public transport.
- The proximity of the site to the town centre and services that fulfil day-to-day needs; The potential for linked trips (where multiple needs are fulfilled in one journey);
- The nature of the uses of the site and likely durations of stays;
- The nature of surrounding uses and potential for dual use of parking spaces depending on peak hours of demand;
- Proximity to public car-parking areas;
- The need to protect the vibrancy of town centres and regenerate vacant / underused buildings;
- Any modal shift demonstrated through a Traffic and Mobility Assessment; and
- The suitability of a contribution in lieu of parking in accordance with the Development Contribution Scheme, as part of a grant of planning permission.

10.6.17. In relation to the criteria above, the site is proximate to bus and rail services (see Section 10.3 above) and is within walking distance to the town centre. There is

potential for linked trips given the wide range of services in the town centre. Modal shift has been demonstrated via the TTA and the MMP. I am satisfied the site's location and the nature of the proposal would allow for a reduction in the car parking standards as allowed for within the Development Plan, and I am satisfied that the quantum of same is appropriate.

#### Cycle Parking

10.6.18. The proposal provides for a total of 209 cycle parking spaces. This exceeds the Development Plan requirement of 132 no. spaces and exceeds the Design Guidelines Standards 203 spaces and the overall provision is acceptable in my view.

#### Impacts on the surrounding road network.

10.6.19. The baseline traffic conditions within the TTA are based upon the strategic local area traffic model of Maynooth which was developed as part of the Maynooth Traffic Management Plan (MTMP) and Traffic Model in June 2017, with future development areas considered with the MTMP, but not having yet received planning permission, discounted from the base traffic conditions utilised in the assessment within the TTA.

10.6.20. Trip generation rates from the TRICS database were utilised. For the purposes of the assessment, it is assumed that 100 residential units would be complete and occupied by the end of the adopted 2022 Opening Year, while the crèche and remaining residential units will be complete and occupied by the adopted 2027 Future Design Year. Permitted developments in the surrounding areas are considered in the assessment also, as well as an expected new application for Mariaville Phase 3, which will comprise of 349 no. apartments (and hence excludes the permitted Phase 3 element of the scheme which comprises of 81 units).

10.6.21. In order to determine Traffic Growth, a Design Year (Opening Year) of 2022 is expected, and a Future Design years (+ 5 years 2027 and +15 years 2037) were adopted. Based on TII medium growth factors for cars and light vehicles for Kildare, traffic is forecast to grow by 2% between 2021 and 2022, 12.4% between 2021-2027 and 22.8% between 2021 and 2037. Modal Split data and trip distribution data was derived from 2016 Census data.

10.6.22. 7 no. junctions were considered in the analysis:

- Junction 1 – NUIM Access/Moyglare Road

- Junction 2 – Kilcock Road/Moyglare Road/Mill Street
- Junction 3 – Dunboyne Road/Castlepark
- Junction 4 – Main St/Doctors Lane/Dunboyne Road
- Junction 5 – Moyglare Road/New Link Road
- Junction 6 – Dunboyne Road/New Link Road
- Junction 7 – R157 Dunboyne Road roundabout

10.6.23. As per the TII guidance, three different traffic scenarios were considered, do-nothing, do-minimum (Do Nothing + Zoned Lands Committed Developments+ Mariavilla Phase 1 & 2 + Future Mariavilla Phase 3 residential development), and post-development (do something).

10.6.24. In terms of the impacts on the surrounding road network, the TTA analysis demonstrates that the proposals will generate a subthreshold impact on all key off-site junctions (i.e. less than 10% or 5% at congested junctions). The highest rate of increase is seen at the Dunboyne Road/Castle Park junction (Junction 3), with an increase of 4.99% and 6.7% at the AM and PM peak hours respectively, by 2037 Future Design Year, and during the AM Peak Hour, the impacts on this junction, and Junctions 5 and 6 considered 'Not Significant'. Impacts on the remaining junctions were considered 'Imperceptible'. During the PM Peak Hours, the impacts on this junction, and Junction 6 were considered 'Slight'. Impacts on the remaining junctions were considered 'Imperceptible'.

10.6.25. Mitigation measures, to reduce any impacts on the surrounding road networks are set out in the TTA. At construction stage, a Construction Management Plan and an associated Construction Traffic Management Plan (CTMP) will incorporate traffic control measures. At operational stage, infrastructure upgrades, including the introduction of pedestrian and cycle facilities, and the compilation of a resident specific Mobility Management Plans (MMP), will serve to reduce dependence on private car use. In the wider context the delivery of the Link Street between Moyglare Road and Dunboyne Road, and the delivery of the Maynooth Eastern Distributor Road, will serve to reduce traffic flows with Maynooth Town Centre.

10.6.26. The assessment of the local road network demonstrates that the predicted additional traffic generated by the proposed development will have a negligible impact on the

operational performance at key off site junctions in the opening year 2022 and future design years 2027 and 2037. The analysis of the subject site access junction concludes that the proposed priority junction arrangement will operate with significant reserve capacity in the opening year 2022 and future design years 2027 and 2037.

10.6.27. In relation to the issues raised in observer submissions, I note the TTA has taken account of the new link road which runs through Mariaville and has assumed it will be operational by the 2022 opening year. The baseline data was not obtained during the COVID period rather are based upon the strategic local area traffic model of Maynooth which was developed as part of the Maynooth Traffic Management Plan (MTMP) and Traffic Model in June 2017. There is no evidence to suggest that the improved Dunboyne Road will attract greater volumes of traffic solely by virtue of the road improvements, however this will greatly improve the safety of the road, for vehicles, cyclists and pedestrians. There are advanced plans to improve the wider road infrastructure network in and around Maynooth which will result in reduction traffic volumes through the town itself and, as such, I am not of the view that this development is premature pending delivery of same. I concur with submissions that the link to the Lime Walk is not strictly necessary to enable connections to surrounding areas, although there are benefits to same. Notwithstanding I have set out my concerns in relation to same in Section 10.3 above and I have recommended it be omitted from the scheme, for reasons relating to potential impact on landscape heritage. Observers have raised the previous reason for refusal on this site which related to road infrastructure and the nature of the Dunboyne Road. However, the proposals in this instance seek to improve the Dunboyne Road and improve the alignment of same and have addressed the previous reason for refusal, in my view. I have considered the capacity of the train services to Maynooth and proposed improvements to same in this section of this report.

10.6.28. In conclusion I am satisfied that any impacts on the surrounding road network will be acceptable, in terms of additional traffic volumes.

## 10.7. **Ecology/Hedgerow/Trees**

10.7.1. The Planning Authority have not raised any fundamental objections in relation to ecology, trees or hedgerows. The report from the Parks Section recommend

permission be granted subject to conditions relating to *inter alia* trees and hedgerows. Elected Members have stated that there is excessive tree removal.

- 10.7.2. A number of observer submissions have raised issues relating to ecology, trees and hedgerows and it is that there is insufficient information in relation to the impacts on bats, and make reference to a previous refusal on the site as relates to bats. More generally it is contented that there is insufficient detail in the EclA relating to mitigation strategies and it is stated that a number of species are not accounted for in the document. Impacts on trees and hedgerows are raised as a concern. I have considered these issues below.
- 10.7.3. The application is accompanied by an Ecological Impact Assessment (dated July 2021) and a Bat Assessment (dated 14<sup>th</sup> July 2021). As described in the EclA, habitat types on site include recolonizing bare ground (ED3) to the north-east and the remaining fields comprising of improved agricultural grassland (GA1). Field boundaries generally consist of treelines (WL2) and Hedgerows (WL1), with the historic quarry on site consisting of broadleaved woodland (WD1). The EclA notes that the woodland and boundary features are of high local value to biodiversity while grassland and other features can be considered of low value to biodiversity.
- 10.7.4. In addition, it is stated that features on the site are considered to be of high suitability for bat roosting, particularly in large trees. The hedgerows and treelines are suitable for foraging bats. The Bat Assessment submitted with the application notes that seven species of bat were recorded commuting through the survey areas, with six of these species recorded foraging and one species recorded roosting in a tree.
- 10.7.5. While suitable habitat for Otter is recorded along the River Lyreen and Rye Water, this habitat is separated from the site by a road and open ground and impact on same were ruled out. No suitable otter habitat was recorded on the site. No hare or signs of deer were recorded on the site. Suitable habitat exists on site for Hedgehog, Pygmy Shrew and Irish Stoat. Non-protected species including Red Fox, House Mouse, Wood Mouse and Brown Rat may also be found on the site, with a fox den recorded on the site, with a fox observed emerging from same. Rabbit burrows are also present on the site.



- 10.7.6. A Badger sett was recorded on site (to the southern side of the woodland within dense tree cover) with signs of activity recorded during the March 2021 survey. It was concluded that the site was likely to be a main breeding sett.
- 10.7.7. In relation to Birds, surveys of same were carried out in May 2020 and March 2021. Species recorded were all of 'low conservation concern' (green list) and included Wren, Robin, Bullfinch, Blackbird, Pheasant, Goldfinch, Wood Pigeon, Chiffchaff, Great Tit and Blue Tit. Wintering bird surveys were carried out in December 2020, and January, February and March 2021. Birds noted on site included Blackbird, Wood Pigeon, Magpie. Pheasant, Robin and Song Thrush, with Buzzard being noted during the February and March 2021 surveys. It is stated that it is possible that Buzzard nesting is occurring in the tall pines on the site. It is noted that the site is not likely to harbour resources for species of high concern.
- 10.7.8. Frogs and Common Lizard, which are protected under the Wildlife Act 1976, are likely to be present on the site.
- 10.7.9. There are no habitats which are examples of those listed on Annex 1 of the Habitats Directive or habitats suitable for species listed on Annex 1 or Annex II of the Birds Directive, and are not considered suitable wetland/wading/wintering birds associated with coastal Natural 2000 sites, nor is there any data that suggests these birds are present, and were not recorded during the wintering bird surveys.
- 10.7.10. The Bat Assessment considers potential impacts on Bats, and concludes that potential impacts relate to foraging and commuting, as well as impacts relating to lighting. Section 5.6 of same states that within mitigation the proposed development will have an overall Moderate Impact on local bat populations with potential Moderate to Major impacts in relation to brown long-eared bats and Natterer's Bats. Mitigation includes appropriate tree felling procedures, including the requirement for a NPWS Derogation Licence for the felling of Tree Group 3, planting of trees and hedgerows with a Bat Mitigation Strategy included in the Landscape Plan, the provision of bat boxes and supplementary roosts, and an appropriate lighting plan. It is concluded that, with mitigation, the proposed development will likely have a Minor-Moderate impact on local bat populations, in the long-term.
- 10.7.11. Potential Impacts on both bats and the wider ecology of the site are also set out in Section 5 of the EclA, impacts of the development are set out, both without and with

mitigation measures in place. I have summarised this Section of the EclA in the table below:

<b>Impact</b>	<b>Significance (without mitigation)</b>	<b>Significance (with mitigation)</b>
<b>Construction Phase</b>		
Loss of Habitat	Moderate negative	Minor-moderate negative
Direct mortality of birds and Fox	Moderate negative	Neutral
Direct mortality of bats	Moderate negative	Neutral
Disturbance of Badgers	Moderate negative	Minor negative
Pollution of watercourses	Moderate negative	Minor negative
Impact on Trees to be retained (root zone impacts)	Moderate negative	Neutral
<b>Operational Phase</b>		
Wastewater Discharge	Neutral	Neutral
Surface Water Pollution	Neutral	Neutral
Noise/Light Disturbance (Bats)	Moderate negative	Minor-moderate negative
Disturbance of Badgers	Minor negative	Minor negative
Impacts to protected areas	Major Negative	Neutral

10.8.1. Section 6 sets out Avoidance, Remedial and Mitigation Measures, and include, but are not limited to, appropriate timing of vegetation removal, bat survey undertaken prior to tree felling, erection of alternative roosting sites 6 months prior to tree felling, bat boxes and appropriate landscaping. Specifically in relation to Badgers, it is noted within the EclA that there is no requirement for the destruction of the sett, the exclusion of Badgers from the sett, or the installation of a replacement sett. However as works will come within 30m of the sett, mitigation measures are proposed,

including appropriate timing of works within the woodland (which includes attenuation storage and pedestrian access to the north), works to the pumping station and connection pipe, fencing off of woodland boundary area and exclusion of vehicles or heavy machinery within this exclusion zone. Mitigation measures relating to appropriate lighting are also proposed. In relation to water quality, construction practices are to adhere to guidance from Inland Fisheries Ireland on the prevention of pollution during construction projects, as well as adhering to measures as recommended in the Hydrological Assessment Report and the Construction and Environmental Management Plan. Section 8 of the report sets out monitoring proposals.

- 10.8.2. In relation to trees, a Tree Survey Report has been submitted with the application. This notes that a total of 20 no. individual trees, eleven tree groups and seven hedgerows were recorded as part of the survey. It is proposed to remove 10 no. individual trees (3 of which are B1 category with the remaining 7 C2). It is also proposed to remove a group of approximately 30 no. Scots Pine Trees (Tree Group 6) which are B2 Category. Portions of two no. hedgerows (Hedgerow 5 and 6) will be removed to facilitate the proposed new road alignment. For those trees to be retained tree protection measures are set out in the report, with Tree Protection Area (TPAs) indicated on the accompanying Tree Protection Plan. The mitigation measures and protection measures as relates to the trees on site should be required by way of condition.
- 10.8.3. I consider that, subject to the recommendations of the appraisal being carried out, the impact on ecology will be minimal and I concur with the conclusions as set out in the EclA. I am of the view that, notwithstanding the comments from observer submissions, there is sufficient detail in the EclA in relation to the species on the site and mitigation measures design to minimise impacts on same, where appropriate. Specifically in relation to bats, while I acknowledge the submissions from observers in relation to the potential impacts on bats, I am satisfied that, subject to the measures as outlined in the EclA, and as set out in the Bat Assessment, being carried out, the impacts on bats will be as set out in the EclA; neutral at construction stage with a minor negative impact at operational stage. On balance, and having regard to making efficient use of the site, in terms of providing housing at an

appropriate density, this does not necessarily allow the avoidance of all impacts. As such the overall impact on bats is, on balance, acceptable.

10.8.4. Specifically in relation to tree and hedgerows, a tree survey report has been submitted. I noted that the vast majority of the hedgerow internal to the site is to be retained, although the some of the hedgerows to the Dunboyne Road boundary is to be removed in order to facilitate the road upgrade works. There is also a loss of some 40 no. trees on the site. However, all of the category 'A' trees are to be retained as well as other trees within the site. In relation to same, and having regard to the need to provide housing at an appropriate density, I am of the view that the loss of the trees and hedgerows is on balance, acceptable.

### 10.9. **Flood Risk/Hydrology & Hydrogeology**

10.9.1. Section 9.3 of the National Planning Framework (NPF) includes guidance for water resource management and flooding with emphasis on avoiding inappropriate development in areas at risk of flooding. National Policy Objective 57 requires resource management by “ensuring flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities”.

10.9.2. The Planning Authority have not raised any fundamental objections in relation to Flood Risk but have raised some issues which are proposed to be dealt with by way of conditions, and the PA submission has set out a number of conditions as relates to flood risk. These issues relate to appropriate allowance for climate change, including that relating to groundwater flood risk, flood risk to adjacent properties including any increased flood risk relating to the road and previous flooding events adjacent to the site. Elected Members have raised concerns regarding local flooding. I have addressed these concerns in the relevant sections below.

10.9.3. Observer submissions have raised the issue of previous flooding events on the Dunboyne Road and note the impacts of climate change on flood risk. I have addressed this issue in the relevant section below.

10.9.4. A Site Specific Flood Risk Assessment (dated July 2021) has been submitted with the application as well as a Hydrological and Hydrogeological Assessment (Dated 14<sup>th</sup> July 2021).

- 10.9.5. The Site Specific Flood Risk Assessment (SSFRA) notes that the Lyreen River is located to the west of the site, which is a tributary of the Rye River located to the north of the site. There are no watercourses running through the site. CFRAM mapping indicates that the site lies outside the 1 in 100 year and 1 in 1000 year flood extents, and is therefore within Flood Zone C (low risk of flooding). The Strategic Flood Risk Assessment carried out as part of the Maynooth Town Local Area Plan 2013-2019 is consistent with the CFRAM mapping, with flood extents contained on the northern side of Dunboyne Road. The SSFRA notes that the development site is outside of the 1 in 1000 year floor extent and therefore there is no requirement to provide compensatory flood storage.
- 10.9.6. In relation to previous flooding events, the SSFRA reports that the OPW run floodmaps.ie website indicated that there were 9 no. previous flood events within 2.5km of the subject site, although no fluvial flooding events were recorded within the site itself. 3 of these events related to the area west, north-west and north of the Dunboyne Road, and related to flooding of the Lyreen and/or the Rye Water. On the 7<sup>th</sup> November 2000 event, some ponding from rainfall was recorded on the site, as evidenced from aerial photography.
- 10.9.7. No other sources of flooding was noted as affecting the site. In relation to groundwater, it is noted that groundwater was encountered in some locations during preliminary site investigations, and groundwater monitoring was carried out on the site. It is stated that groundwater flooding is not a characteristic of the area. In relation to the concerns of the Planning Authority in relation to the impact of climate change on groundwater flooding, I note the site is not identified as an area that is at risk of groundwater flooding on the OPW Groundwater Flooding Probability Maps<sup>2</sup>. However I am of the view that the SSFRA should have considered the impacts of climate change on the overall risk of groundwater flooding to the site, over the longer term, and set out any mitigation measures in relation to same. I am of the view that this can be considered within a revised SSFRA, which can be requested by way of condition. This is in line with Section 5.22 of 'The Planning System and Flood Risk Management Guidelines' which sets out that, in most cases, conditions will be

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<sup>2</sup> <https://www.floodinfo.ie/map/floodmaps/>

required to amend, clarify or further detail flood mitigation measures, and that conditions relating to overall flood risk may also be appropriate.

- 10.9.8. The SSFRA notes that the finished floor levels (FFLs) of the proposed housing units will have a minimum 2.272m freeboard between the lowest FFL and the highest flood level closest to the site as indicated on the CFRAM mapping. The proposals for widening and realigning the existing Dunboyne Road will raise road levels locally and remove the current low point on the road.
- 10.9.9. The SSFRA identifies that any pluvial flood risk within the development site is mainly related to future drainage networks and overall layout, with flooding related to sub-standard design, volume exceedances or blockages. In relation to same, the stormwater system limits surface water run-off to greenfield run-off rates via a hydrobrake. The system is designed to accommodate a 1 in 100 year flood event with the volume allowing for climate change. The design of the system has taken account of groundwater levels, with impermeable lining required for the Dunboyne Road and in the open space attenuation systems to mitigate against any groundwater entering the drainage system. It is also proposed to accommodate the existing outfall from Castlepark, which currently discharges to the disused quarry which current functions as both an infiltration and stormwater storage area. Other SuDs measures are also proposed in including permeable paving, swales and bio-retention areas provided to adjacent streets and a petrol interceptor to be provided before the outfall to the attenuation areas.
- 10.9.10. It is proposed to discharge stormwater by a combination of infiltration and via attenuated drainage to the existing public stormwater sewer located at the Dunboyne Road roundabout to the north-east of the site. It is noted that the invert level is approximately 0.8m above the nearest 0.1% AEP flood level node indicated on CFRAM mapping, and as a result it is concluded that the risk of surcharge resulting from flood levels in the Rye Water is therefore low.
- 10.9.11. The SSFRA sets out that for storms greater than the 1% AEP pluvial event, the capacity of the proposed drainage network will be exceeded. The proposed road levels generally fall in a northerly direction towards the surface water drainage outfalls. The overland flow routes generally follow the predevelopment scenario. The exceedance flow routes generally follow the proposed road network internally. The

SSFRA notes that the development layout and levels are designed with flood conveyance and exceedance in mind. Lower FFLs are set a minimum of 0.5m above the top water level in the corresponding attenuation facility.

10.9.12. In terms of flood risk to adjoining sites, the SSFRA notes that the existing Castlepark development and the Pebble Hill dwelling are not at risk of being impacted by the development, given the above discussion in relation to overland flow routes. Any existing flooding issues on the Dunboyne Road will be improved as a result of the proposed upgrades to the Dunboyne Road. I am satisfied that the proposed development of the site itself will not lead to flooding issues and the flooding issues on Dunboyne Road will be resolved as a result of the upgrading. I note the concern of the Planning Authority in relation to the implication of the road upgrades on flood risk to adjacent sites, namely those individual dwellings to the north of the upgraded road and I note there is little detail of same within the SSFRA, although surface water attenuation for the proposed road is detailed in the application. However, I am of the view that overland flow routes should be detailed in a revised SSFRA in a scenario where the capacity of the proposed attenuation arrangements for the upgraded road will be exceeded. This can be requested by way of condition. As per the discussion above, this is in line with Section 5.22 of 'The Planning System and Flood Risk Management Guidelines'.

10.9.13. Residual risks are identified as blockages and excess pluvial volumes over and above the 100 year drainage capacity. With the implementation of mitigation measures, including regular maintenance and overland flood routing, these risks can be managed.

10.9.14. In relation to the conclusions of the Site Specific Flood Risk Assessment (SSFRA), I am satisfied that the site is not subject to pluvial, fluvial flooding, groundwater or tidal flooding. The longer term implications of climate change and groundwater flooding, and mitigation measures to address same, can be addressed in a revised SSFRA and I recommend a condition in relation to same. I have examined the mapping available on the OPW run website 'Floodinfo.ie' and this does not indicate any previous flooding events on site. The SSFRA notes other events in the vicinity of the site which I have discussed above. In relation to the operational stage of the development, I am satisfied that the measures outlined in the SSFRA are sufficient to ensure that no residential properties on the site or adjacent to the site will be at an

increased risk of pluvial flooding, subject to a condition relation in relation details of overland flow routes along the upgraded Dunboyne Road and measures to address residual flood risk in an exceedance event.

10.9.15. In conclusion, having regard to the fact that the site lies within Flood Zone C, the lack of an evident history of flooding on the site itself and having regard to the surface water management proposals as set out in the application documents, I do not consider that the proposal will increase flood risk on this site or on surrounding sites, subject to conditions.

#### Hydrology & Hydrogeology

10.9.16. This report has been submitted in response to a previous concern raised by the Board in relation to a previous refusal on this site (Planning Reg Ref 14/637 and ABP Ref 245305) for a development of 112 units. While not a reason for refusal, the Board Direction noted the absence of adequate information as relates to the impact on hydrological and geological conditions of the site and the resulting implications for the petrifying springs and tufa within the Rye Water/Carton SAC. I refer the Board to Section 12 for an assessment of this issue as relates to Appropriate Assessment.

10.9.17. The report notes that groundwater vulnerability is mapped located as moderate to high, and local bedrock is classified as a Locally Important Aquifer, bedrock which is moderately productive only in local zones. In relation to the Water Framework Directive, the reported notes that the River Lyreen waterbody achieved 'Poor' status under the 2013-2018 WFD round and the Rye Water waterbody achieved 'Moderate Status' under the 2013-2018 WFD round. In terms of catchments, the site is situated within the Dublin GWB, which achieved 'Good' status under the 2013-2018 WFD round.

10.9.18. Site investigations were carried out in 2019 and 2020 and groundwater encountered in 2 no. of the 12 no. trial pits in the 2019 investigation, at a depth of 1.6m, with groundwater encountered in 2 no. of 5 additional trail pits on the site, at depth of 1m and 2m below ground level. The report accompanying both site investigations states however that the exploratory holes were not left open long enough to establish the hydrogeological regime and that groundwater will vary with factors such as time of year, rainfall and other factors. The report refers to the results of long-term EPA Groundwater Level Monitoring within the grounds of Carton House, which



establishes that the local groundwater flow regime is southwards from the monitoring points, towards the Rye Water with A similar flow regime exists to the south of the river at the proposed development site where the elevation of the shallow groundwater table decreases to the north towards the Rye Water. Section 4.1 of the Report sets out a conceptual site model and risk assessment. At construction stage, without mitigation, it is concluded that there will be a Negative, indirect, slight, short-term, low probability impact on downstream surface water quality in the Lyreen River and Rye Water. With drainage control measures, the residual impact will be negative, indirect, imperceptible, short-term, low probability impact on downstream surface water quality in the Lyreen River and Rye Water. At operation stage without mitigation, the impact will be negative, slight, indirect, long term, low probability impact on water quality in the nearby waterbodies. There is a low probability of impacting on the ability of the nearby waterbodies to meet their required/projected status under the Water Framework Directive. With standard drainage design controls, the development is not expected to give rise to any significant surface water or groundwater quality impacts at or downstream of the site, or within the mapped Zone of Influence (Zol) as defined in the report.

#### **10.10. Site Services**

- 10.10.1. The application is accompanied by an Infrastructure Design Report. This sets out proposals for access and roads (see further discussion of same in Section 10.3 and 10.6 of this report), surface water drainage and foul drainage.
- 10.10.2. In relation to surface water, it is noted that there is an existing 450mm diameter surface water sewer from the Castlepark Development which bounds the south-east and east of the site and outfalls to the quarry which is located in the wooded area to the northeast of the site. There is an existing 600mm surface water sewer to the north east of the site at the roundabout on the R157 which outfalls to the Rye River to the north. In relation to the quarry on the site, it is noted that this is up to 5m deep with steep side slopes. It does not have an outfall and acts an infiltration basin for the surface water run-off for a portion of the Castlepark development. No issues are reported with this arrangement.
- 10.10.3. The surface water from the proposed development will be discharged to the surface water sewer referred to above. SUDs measures proposed include permeable

driveways, naturally occurring infiltration in the quarry, attenuation storage, provision of swales, tree pits connected to gullies and a petrol interceptor.

- 10.10.4. In relation to the attenuation storage, 3 no. attenuation sites are proposed, Catchment 1B, 1A and the Dunboyne Road upgrade. Catchment 1B is the public open space, which will serve as a catchment for the western portion of the residential site, utilising an underground stormtech attenuation tank, incorporating an impermeable liner to prevent groundwater from entering the network.
- 10.10.5. Catchment 1A refers to the existing quarry area. It is proposed to use this area as attenuation storage for both the subject site and the existing Castlepark development. Underground storage is proposed by way of attenuation cells for the 1:30 year storm, and a detention basin on top of this to cater for the 1:100 year storm. Grated manholes will be provided in the infiltration basis to the underground stormtech system. It is also proposed to alter the nature of the existing quarry to address the health and safety issues related to same. The bottom level of the quarry will be raised with infilling of stone and the underground stormtec cells. The bottom level of the proposed detention basin, which sits on top of the attenuation cells, will be 50.57m OD with 1:3 side slopes. The top of the water level will be 50.5m OD. The existing quarry will be an open bottom attenuation that allows natural infiltration.
- 10.10.6. A pond feature is also proposed which is fed by the Castlepark development and overflows to the detention basin. This is an amenity feature and is not designed as storage. This feature will be 0.5m in depth. Notwithstanding the limited depth of same, I am of the mind to request additional details of same, in particular details of measures to address any health and safety issues related to same, and issues which has also been raised in an observer submission on this application and which has been raised by Elected Members. These details can be requested by way of condition.
- 10.10.7. In relation to the Dunboyne Road upgrade, the quarry will serve as the attenuation area for the road, with the surface water from same stored in the quarry area, separate from the residential development surface water run-off. Storms up to the 1 in 100 year period will be facilitated by the underground attenuation system, with impermeable lining to prevent groundwater entering the network.

Foul

10.10.8. It is noted within the Drainage Design Report that there is no foul infrastructure in the immediate vicinity of the proposed development, with the Castlepark development served by gravity foul sewers at a higher than the level proposed for this site. A pumping station is proposed for the site. The proposed foul water will drain by gravity to the proposed pumping station where it will be pumped to the existing Irish Water network to the south on Dunboyne Road. A Statement of Design Acceptance has been received from Irish Water in relation to same although it is noted that the existing wastewater network will have to be extended approx. 600m and that the applicant will be required to fund the extension which will be delivered by Irish Water. The foul water ultimately discharges to the Maynooth Pumping Station.

10.10.9. I am generally satisfied that, subject to details of the proposed foul and surface water infrastructure being to the satisfaction of the Planning Authority and Irish Water, the proposals will be adequate to serve the proposed development.

#### Water Supply

10.10.10. The development will be served from a primary 150mm diameter spine watermain which will be brought into the site from the Dunboyne Road.

#### **10.11. Other Issues**

10.11.1. Archaeology - The application is accompanied by an Archaeological Heritage Impact Assessment Report (dated June 2021). The methodology in producing same included a field survey carried out in April 2020 which built on a previous archaeological survey undertaken in 2014, which included archaeological testing. This previous survey did not uncover any features of archaeological interest or potential. The report notes that there are no previously identified archaeological monuments listed, either by the Record of Monuments and Places (RMP) for Co. Kildare or by Development Plans, as being located within, or immediately adjacent, the proposed development lands. There is 1 no. previously identified monument (St. Patrick's Well) located within the defined study area (of 500m radius), located to the north-east of the site (80m from the easternmost development boundary). There are no artefacts recorded by the National Museum of Ireland as having been discovered from the lands or immediate environs. The report concludes that the subject proposed development lands are of very low/negligible archaeological potential and it is not considered likely that the proposed development will cause any impacts with

respect to any features of archaeological heritage interest during the construction phase of the project and that no further archaeological interventions are required of the development.

- 10.11.2. Social Infrastructure – Elected Members and a number of observer submissions have stated that there is insufficient social infrastructure to support the proposed development. A Social Infrastructure and School Provision Assessment has been submitted with the application. The report notes that the site is well served by health care, Sports and Recreation, Community, education and other facilities. I note that the Planning Authority have stated that there is a significant shortfall in childcare spaces when the Childcare Facilities Guidelines are applied and have also stated that there is no assessment of GP capacity. In relation to same, the Social Infrastructure report estimates that there are currently an estimated 75 no. childcare places with the catchment area (the town of Maynooth). The proposed development is providing a childcare facility of 303.5 sq. m. and a play area, with an estimated capacity of 60-75 children. This exceeds the requirements of the Guidelines for Planning Authorities on Childcare Facilities (2001), which sets out, in the absence of contrary evidence in terms of existing facilities or demographic profile, a minimum of one childcare facility with 20 places for each 75 dwellings. This would require a total of 52 spaces. In relation to schools, it is set out that there is sufficient capacity in the area to accommodate same. In relation to health, it is set out that there is a total of 7 no. medical centres in the town of Maynooth and it is concluded that there is sufficient capacity to accommodate the development.
- 10.11.3. Phasing – The Planning Authority have suggested that 50 no. units, crèche and public open space 1 and 2 should be delivered in Phase 1 with the remainder to the development delivered in Phase 2. Elected Members have suggested that the crèche should be delivered in the first phase. In relation to same, I am not of the view that the crèche and open space areas would need to be delivered at the suggested point, and I am satisfied that the scale of development is not such that phasing is required.
- 10.11.4. Property Values - A number of submissions have stated the proposal will result in a reduction in property values. This contention is not supported by any evidence of same and I do not consider the Board has sufficient evidence before it to conclude that the proposal would have an adverse impact on property values.

10.11.5. Part V - The applicant has submitted Part V proposals as part of the application documents. 19 no. units are currently identified as forming the Part V housing. The Planning Authority Housing Department have made detailed comments with respect to the council's preference for Part V units in terms of design and layout. I note the recent Housing for All Plan and the associated Affordable Housing Act 2021 which requires a contribution of 20% of land that is subject to planning permission, to the Planning Authority for the provision of affordable housing. There are various parameters within which this requirement operates, including dispensations depending upon when the land was purchased by the developer. In the event that the Board elects to grant planning consent, a condition can be included with respect to Part V units and will ensure that the most up to date legislative requirements will be fulfilled by the development.

#### **10.12. Planning Authority's Submission**

10.12.1. While the Planning Authority are generally supportive of the scheme, and have recommended that the proposed development be granted permission, subject to conditions, the PA submission does set out a number of concerns with the proposal, which I have summarised here, and have noted where I have addressed these concerns, where appropriate.

*Phasing – 50 no. units, crèche and public open space 1 and 3 in phase 1, phase 2 remainder of development*

10.12.2. I have addressed the issue of phasing in Section 10.11 of this report.

*Amendments – Omit rear laneways/omit units 46, 59, 88 and 97/adjoining units to be redesigned to house type B1 units or similar side entry units/relocate Bin Store C to a less prominent location adjacent to the crèche. Revised design of Apartment Block/omission of externalised access to the duplex/Revised materials – Apartment Block and Duplex Block/Revised boundary treatment plan.*

10.12.3. I have addressed the concerns above in Section 10.3 of this report.

#### **10.13. Material Contravention**

10.13.1. The applicant has submitted a Statement of Material Contravention which refers to potential material contraventions of the Kildare County Development Plan 2017-2023 and the Maynooth LAP 2013-2019 as relates specifically to the following:

- Car Parking Provision
- Open Space
- Policy NH1 of Kildare CDP & Policy GI8 of Maynooth LAP as relates to preservation of the preservation and retention of woodlands, hedgerows, stonewalls, rivers, streams and wetlands.
- Policy HP6 of the Maynooth LAP as relates to the location of apartment developments, density, mix and restriction on duplex units.
- Section 17.4.5 of the Kildare CDP as relates to storage spaces.

10.13.2. I note that the Planning Authority have not stated the proposal is a material contravention of the policies above nor or any other policies or objectives. Observer submissions have not stated the proposal is a material contravention of any policies or objectives of the Kildare CDP or of the Maynooth LAP.

#### Policy HP6

10.13.3. In relation to Policy HP6 of the Maynooth LAP this states:

*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 high architectural design standard creating an attractive and sustainable living environment. Duplex units shall not generally be permitted.*

10.13.4. Of the 194 units proposed, there are 31 no. apartments and 36 no. duplex apartments. However I am not of the view that the proposal represents a material contravention of the above policy. I note the Planning Authority is not of the opinion that the proposal represents a material contravention of the LAP, as relates to Policy HP6. HP6 seeks to restrict apartment developments *generally* to the University campus and town centre locations or suitably located sites adjoining public transport connections (my emphasis). This implies that there are situations where apartments outside of these locations are appropriate, and given the lack of objection from the Planning Authority to the provision of apartment units in this instance, this would appear to be the case in this instance. I am of the view that, given the qualified wording of the policy, the proposal here does not materially contravene same.

Notwithstanding, the site is within an 11 min walk of the nearest bus stops and is within 20 min walk of the train station, with the proposed pedestrian infrastructure improvements in place. There is not an over concentration of apartment units in the general locality, with the surrounding developments predominantly consisting of 2 story housing. I am of the view that that the proposal is of high quality design and will create an attractive and sustainable living environment (see Sections 10.3 and 10.4 for further consideration of same). While the Planning Authority have raised concerns in relation to the design of the apartment blocks and the external access to the duplex units, this can be overcome by way of condition and the Planning Authority have suggested same. In relation to the provision of duplex units within the scheme, the Planning Authority have not raised an objection to same, and in fact state that the mix of units is considered to be appropriate. HP6 states that duplex units shall not *generally* be permitted (my emphasis), but I am of the view that the policy is worded so as to allow them in some instances, and this appears to be the case in this instance, given the lack of objection to the provision of same from the Planning Authority, although as noted, some design concerns are raised in relation to the units themselves. Again given the qualified wording in the policy, I am not of the view that the proposal materially contravenes same.

#### Car Parking Provision

10.13.5. Car Parking Standards are specified in Table 17.9 of the Kildare County Development Plan and it is stated for residential use, 2 spaces are required for houses and 1.5 spaces per unit + 1 visitor space per 4 apartments. Section 17.7.6 'Car Parking' of the CDP states that lower rates of parking may be appropriate at certain sites. In determining this the Council will have regard to criteria which I have set out below:

- The proximity of the site to public transport.
- The proximity of the site to the town centre and services that fulfil day-to-day needs; The potential for linked trips (where multiple needs are fulfilled in one journey);
- The nature of the uses of the site and likely durations of stays;
- The nature of surrounding uses and potential for dual use of parking spaces depending on peak hours of demand;

- Proximity to public car-parking areas;
- The need to protect the vibrancy of town centres and regenerate vacant / underused buildings;
- Any modal shift demonstrated through a Traffic and Mobility Assessment; and
- The suitability of a contribution in lieu of parking in accordance with the Development Contribution Scheme, as part of a grant of planning permission.

10.13.6. In relation to the criteria above, the site is proximate to bus and rail services (see Section 10.3 and 10.6 above) and is within walking distance to the town centre. There is potential for linked trips given the wide range of services in the town centre. Modal shift has been demonstrated via the TTA and the MMP. The Planning Authority have not stated the proposal is a material contravention of the Development Plan, although have raised concerns in relation to the overall parking provision, stating that there is a shortfall of 76 spaces. I am not of the view that the proposal represents a material contravention of the Development Plan as relates to parking standards, given the flexibility allowed in relation to same, subject to compliance with the criteria I have noted above.

#### Open Space

10.13.7. Policy PSO1 of the CDP requires that that public and semi-private open space in new residential development complies with the quantitative and qualitative standards set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and in Chapter 17 of the CDP. Section 17.4.7 requires that a minimum area of 15% of the total site area is provided as Public Open Space. The applicant's Material Contravention Statement states that given the nature of the open space provided at POS 4, it could be argued by some that this does meet qualitative standards, in that it is narrow and includes a connecting footpath. If this element is excluded the overall provision of public open space would be 13.7% of the residential net site area (whereas if it is included the overall provision of public open space would be 15.82% of the residential net site area).

10.13.8. I am not of the view that the proposal represents a material contravention of the CDP as relates to public open space. The requirement is to provide at least 15% of the *total site area* (my emphasis) and, including the quarry area, the applicants have



provided 24.8% of the total site area. If one were to consider only the residential site area, I am not of the view that the area of POS 4 should be excluded due to nature of same, given that it functions as both an area of open space, and as a walkway linking to the lime walk. As such sufficient public open space has been provided in order to comply with the requirements of the development plan. Notwithstanding, even if this space, and the quarry area, were to be excluded, the shortfall in public open space is not material in my view.

Policy NH1 (preservation of the preservation and retention of woodlands, hedgerows, stonewalls, rivers, streams and wetlands)

10.13.9. Policy NH1 of the CDP seeks to *‘Facilitate, maintain and enhance as far as is practicable the natural heritage and amenity of the county by seeking to encourage the preservation and retention of woodlands, hedgerows, stonewalls, rivers, streams and wetlands. Where the removal of such features is unavoidable, appropriate measures to replace like with like should be considered, subject to safety considerations’.*

10.13.10. Policy GI 8 of the LAP seeks *‘To ensure key hedgerows, identified on Map 5, and the linkages they provide to larger areas of green infrastructure and the wider countryside, are retained where appropriate and integrated into the design of new developments.’*

10.13.11. The proposal proposes to retain the internal hedgerows, significant trees and quarry area within the development and to remove some of the trees and hedgerows to facilitate the upgrade and realignment of the Dunboyne Road. The Material Contravention statement submitted with the application states that the proposal does not materially contravene this objective given the objective recognises there is cases the removal is unavoidable. However, should the Board consider the proposal represents a material contravention of Policy NH1 of the CDP, justification is set out in the Material Contravention Statement. Similar statements are made within the Material Contravention Statement in relation to Policy GI 8, in that the applicants are not of the view that the proposal does in fact represent a material contravention of same.

10.13.12. I am not of the view the proposal represents a material contravention of Policy NH1, given the wording of same, in which it is stated ‘so far as is practicable’ and the

recognition that such removal may be unavoidable. In my view it is not practicable to retain all of the trees and hedgerows within the site nor on the site boundary, given the need to develop the site at an efficient density and given the need (and related objective in the CDP) to upgrade and realign the Dunboyne Road. In relation to Policy GI 8, I have had regard to Map 5 of the LAP and this does not indicate any 'key' hedgerows on the site. However the hedgerow associated with Lime Walk is shown on this map and it can be contended that this is in fact a 'Key Hedgerow'. Again this objective is worded flexibly and allows for retention of hedgerow where appropriate. As per the above discussion, I am not of the view that it would be appropriate to maintain the entirety of the hedgerows within the site and on the site boundaries, given the considerations above. As such I am not of the view that the proposal materially contravenes Policy GI 8.

Section 17.4.5 Storage Space in Houses

10.13.13. Table 17.4 of the CDP outlines the minimum storage areas for houses of various sizes (2 bed, 3 bed etc). For clarity I have set out the CDP requirement and the proposed provision.

<b>Storage Standard for Houses</b>		
<b>Unit Type</b>	<b>CDP Standard</b>	<b>Proposed Provision</b>
<b>2 bed</b>	6 sq. m.	4.2 sq. m.
<b>3 bed</b>	9 sq. m.	5.85 sq. m – 7 sq. m
<b>4 bed</b>	10 sq. m	6 sq. m to 6.8 sq.m

10.13.14. While the proposed development does not meet the standard for storage space as set out above, I am not of the view the shortfall is material, and therefore does not materially contravene the CDP as relates to storage provision.

**11.0 Environmental Impact Assessment (EIA) Screening**

11.1.1. Class 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act

2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- Construction of more than 500 dwelling units
- Urban Development which would involve an area greater than 2 hectares in the case of a business district\*, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

\*a 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.

11.1.2. Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

11.1.3. It is proposed to construct 194 no. residential units, a childcare facility and associated site works. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The site has an overall area of c7.55 ha and is located within an existing built up area but not in a business district. The site area is therefore below the applicable threshold of 10 ha. The site is greenfield, located on the edge of the urban area of Maynooth. The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage. While I note a Natura Impact Statement (NIS) has been submitted with the application, following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of any European Site (as discussed in Section 12 below). The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Kildare County Council, upon which its effects would be marginal.

11.1.4. Section 299B (1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The criteria

set out in schedule 7A of the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The submitted EIA Screening Report (dated July 2021) includes the information required under Schedule 7A to the planning regulations. In addition, the various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts regarding other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including *inter alia*:

- Building Lifecycle Report
- Hydrological and Hydrogeological Assessment Report
- Conservation Appraisal
- Ecological Impact Assessment
- Appropriate Assessment Screening Report
- Natura Impact Statement
- Regulation 299B Statement
- Construction Waste and By-Product Management Plan
- Outdoor Lighting Report
- Operational Waste Management Plan
- Traffic and Transport Assessment
- Noise Assessment and Management Report
- Air Quality & Climate Summary Report
- DMURS Technical Note

- Tree Survey
- Site Specific Flood Risk Assessment
- Planning Report & Statement of Consistency
- EIA Screening Report
- School Infrastructure and School Provision Assessment
- Energy Statement
- Preliminary Construction and Environmental Management Plan
- Landscape and Visual Impact Appraisal
- Internal Daylight, Sunlight and Overshadowing Report
- Archaeological Heritage Impact Assessment Report
- Bat Assessment
- Infrastructure Design Report
- Apartment & Housing Quality Assessment
- Architectural Design Statement
- Statement of Response to An Bord Pleanála's Consultation Opinion
- Photomontages
- Landscape Design Report

11.1.5. Noting the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account, I note that the applicant has submitted a 'Relevant Assessments Regulation 299B Statement'. This notes that the following assessments / reports have been submitted: -

- An AA Screening Statement, a Natura Impact Statement, a Bat Assessment and an Ecological Impact Assessment have been submitted with the application, in support of the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) have been submitted with the application.

- A Hydrogeological Assessment Report has been submitted, in support of the Water Framework Directive (2000/60/EC).
- A Site Specific Flood Risk Assessment, has been submitted, which was undertaken in response to the EU Floods Directive (2007/60/EC)
- A Noise Assessment and Management Report was submitted in response to the Environmental Noise (Directive 2002/49/EC)
- An Air Quality and Climate Summary was submitted in response to the Clean Air for Europe (CAFE) Directive (Directive 2008/50/EC)
- A Construction Waste and By-Product Management Plan (2021) and Operational Phase Waste Management Plan was which was undertaken in accordance with the Waste Management Act, 1996.

11.1.6. In addition to that set out in the applicant's 299B Statement I note the following:

- An Energy Statement has been submitted with the application, which has been undertaken pursuant to the EU Energy Performance of Buildings Directive and requirement for Near Zero Energy Building.
- SEA Environmental Report for the Kildare County Development Plan 2017-2023.
- SEA Environmental Report for Proposed Amendment No. 1 to the Maynooth Local Area Plan 2013-2019.

11.1.7. I have taken into account the above documentation above when screening for EIA. I have completed an EIA screening assessment of the proposed development with respect to all relevant considerations, as set out in Appendix A to this report. I am satisfied that the location of the project and the environmental sensitivity of the geographical area would not justify a conclusion that the proposed development would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects of which would be rendered significant by their extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 of the Regulations to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an EIA is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application. I am satisfied that

information required under Section 299B(1)(b)(ii)(II) of the Regulations has been submitted. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

## 12.0 **Appropriate Assessment:**

- 12.1.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

### The Project and its Characteristics

- 12.1.2. I refer to the Board to the detailed description in Section 2.0 of this report. The following details are also of note for the purposes of Appropriate Assessment.
- 12.1.3. In relation to surface water, there is an existing 450mm diameter surface water sewer from the Castlepark Development which bounds the south-east and east of the site and outfalls to the quarry which is located in the wooded area to the northeast of the site. There is an existing 600mm surface water sewer to the north east of the site at the roundabout on the R157 which outfalls to the Rye River to the north. The surface water from the proposed development will be discharged to these surface water sewers. SUDs measures proposed include permeable driveways, naturally occurring infiltration in the quarry, attenuation storage, provision of swales, tree pits connected to gullies and a petrol interceptor. In relation to the attenuation storage, 3 no. attenuation sites are proposed, Catchment 1B, 1A and the Dunboyne Road upgrade. Catchment 1B is the public open space, which will serve as a catchment for the western portion of the residential site, utilising an underground stormtech attenuation tank, incorporating an impermeable liner to prevent groundwater from entering the network. Catchment 1A refers to the existing quarry area. It is proposed to use this area as attenuation storage for both the subject site and the existing Castlepark development. Underground storage is proposed by way of attenuation cells for the 1:30 year storm, and a detention basin on top of this to cater for the 1:100 year storm. In relation to the Dunboyne Road upgrade, the quarry will serve as the attenuation area for the road, with the surface water from same stored in the quarry, separate from the residential development surface water run-off.

Storms up to the 1 in 100 year period will be facilitated by the underground attenuation system, with impermeable lining to prevent groundwater entering the network.

- 12.1.4. The Applicant's Screening Report notes that the proposed surface water system has been designed so that there will be no changes to the quality or quantity of surface water run-off as a result of the development.
- 12.1.5. In relation to foul water proposals, it is noted within the Drainage Design Report that there is no foul infrastructure in the immediate vicinity of the proposed development, with the Castlepark development served by gravity foul sewers at a higher than the level proposed for this site. A pumping station is proposed for the site. The proposed foul water will drain by gravity to the proposed pumping station where it will be pumped to the existing Irish Water network to the south on Dunboyne Road. A Statement of Design Acceptance has been received from Irish Water in relation to same although it is noted that the existing wastewater network will have to be extended approx. 600m and that the applicant will be required to fund the extension which will be delivered by Irish Water. The foul water is ultimately treated at the Leixlip municipal plant which serves the town of Maynooth. The Applicant's Screening Report notes that, in 2019, this plant was reported in the Annual Environmental Report (AER) as meeting its effluent quality standards under the Urban Wastewater Treatment Directive and is operating within its design capacity. This plant discharges treated water into the River Liffey downstream of the Rye Water and the AER notes that the 'discharge from the wastewater treatment plan does not have an observable negative impact on the Water Framework Directive Status'.

#### Compliance with Article 6(3) of the Habitats Directive

- 12.1.6. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal



will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3)

- 12.1.7. This section of the report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same. The assessment is based on the submitted Appropriate Assessment (AA) Screening Report (dated July 2021) and Natura Impact Statement (NIS) (dated July 2021) both of which were prepared by Openfield Ecological Services.

#### Description of the site characteristics

- 12.1.8. The Applicant's Screening Report notes that the Lyreen River flows approximately 120m to the north-west of the subject site and joins the Rye Water, which flows to the east approximately 90m north-east of the site boundary. At its closest, the site is approximately 120m from the boundary of the Rye Water/Carton SAC. The report notes the site is composed of agricultural grassland and traditional field boundaries. Habitat types on site include recolonizing bare ground (ED3) to the north-east and the remaining fields comprising of improved agricultural grassland (GA1). Field boundaries generally consist of treelines (WL2) and Hedgerows (WL1), with the historic quarry on site consisting of broadleaved woodland (WD1). There are no habitats which are examples of those listed on Annex 1 of the Habitats Directive or habitats suitable for species listed on Annex 1 or Annex II of the Birds Directive, and are not considered suitable wetland/wading/wintering birds associated with coastal Natural 2000 sites, nor is there any data that suggests these birds are present, and were not recorded during the wintering bird surveys.

#### Relevant prescribed bodies consulted

- 12.1.9. The application was referred to the following prescribed bodies.
- Irish Water (response received) – note that waste water and water supply network will need to be extended. A Statement of Design Acceptance has been issued to the applicant.

- Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media (no response received)
- Heritage Council (no response received)
- An Taisce (no response received)
- An Comhairle Ealaíon (no response received)
- Fáilte Ireland (no response received)
- Minister for Housing, Local Government and Heritage (no response received)

12.1.10. I note also a submission was made on the application by Inland Fisheries Ireland, which states that the River Rye Water supports Brown trout, Sea trout and atlantic salmon. It also supports populations of Freshwater Crayfish and Lamprey (both Habitats Directive Annex II species). It is also noted that construction works have the potential to cause the release of sediments and pollutants into surrounding watercourses/could have a significantly negative impact on the fauna and flora of this sensitive and important freshwater system and that comprehensive surface water management measures must be implemented at the construction and operational stage and silt and pollution control measures need to be in place. Furthermore 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. A condition is suggested to require the owner to enter into an annual maintenance contract in respect of the efficient operation of the petrol/oil interceptor, grease and silt traps

12.1.11. In relation to foul water proposals, I note that the submission from Irish Water sets out that a 'Statement of Design Acceptance' has been issued for this development and note that all development is to be carried out in compliance with Irish Water Standards codes and practices. No capacity issues have been raised in relation to foul water treatment capacity.

#### Planning Authority Submission

12.1.12. The Planning Authority have not raised any issues in relation to Appropriate Assessment. Elected Members have stated that the NIS is not accurate and does not consider all affected species.

## Observer Submissions

12.1.13. An observer submission has stated that assertions made in the application documentation about hydrological groundwater connections from the River Rye are incorrect. Observer submissions also state that the cumulative impact on Rye Water/Cartron SAC must be closely examined. It is also stated the NIS does not mention Bats.

## Identification of relevant Natura 2000 sites (Zone of Influence)

12.1.14. The Applicant's Screening Report notes that groundwater flow from the proposed development site will flow to the north/northeast and discharge as baseflow to the Rye Water and River Lyreen. It is also noted that there is no pathway for a hydraulic connection between groundwater at the proposed development site and known, groundwater fed petrifying spring habitats at Louisa Bridge, a qualifying interest of the Rye Water/Cartron SAC. It is noted that Louisa Bridge is approximately 6.5km from the site. These conclusions are supported by the findings of the Hydrological and Hydrogeological Assessment Report submitted with this application.

12.1.15. Figures 4 and 5 of the Screening Report set out all Natura Sites within 15km of the development site and within 15km of the outfall of the Leixlip wastewater treatment plan. The Screening Report also notes that the subject lands are within the catchment of the River Liffey, the estuary of which is subject to a number of designations including the River Tolka Estuary and South Dublin Bay SPA, the South Dublin Bay SAC, the North Dublin Bay SAC and the North Bull Island SPA.

12.1.16. The following sites are considered to be within the *potential* zone of influence (my emphasis) of the project and a detailed description of same, including the relevant qualifying interests and the conservation objectives relating to same, is set out in the Applicant's Screening Report.

<b>Site (site code)</b>	<b>Distance from site</b>	<b>Qualifying Interests/Species of Conservation Interest</b>	<b>Conservation Objectives</b>
Rye Water Valley/Cartron SAC (001398)	c120m	Petrifying springs with tufa formation (Cratoneurion) [7220]	Generic conservation objectives have

		<p>Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]</p> <p>Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]</p>	<p>been published by the NPWS (2021) which are:</p> <p>To maintain or restore the favourable conservation condition of the Annexed habitats/species for which the SAC has been selected.</p>
<p>South Dublin Bay and River Tolka Estuary SPA (004024)</p>	<p>c23km</p>	<p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Sanderling (Calidris alba) [A144]</p> <p>Dunlin (Calidris alpina) [A149]</p>	<p>Site specific conservation objective have been published for this SPA by the NPWS (2015) and I refer the Board to the supporting documentation for same<sup>3</sup>. These are summarised in the applicant's AA screening document as follows:</p> <p>Birds (similar for all species)</p>

<sup>3</sup> [https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO004024.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004024.pdf)

		<p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>	<p>Long term population trend stable or increasing; there should be no significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation</p>
South Dublin Bay SAC (000210)	c23km	<p>Mudflats and sandflats not covered by seawater at low tide [1140].</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>	<p>Site specific conservation objectives have been published for mudflats (NPWS, 2013) and I refer the Board to the supporting documentation for same<sup>4</sup>. These are also summarised in the applicant's AA screening document.</p>

<sup>4</sup> [https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO000210.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000210.pdf)

			<p>Generic conservation objectives only have been published for other qualifying interests in this SAC which are:</p> <p>To maintain or restore the favourable conservation condition of the Annexed habitats/species for which the SAC has been selected.</p>
North Bull Island SPA (004006)	c23km	<p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p>	<p>Site specific conservation objective have been published for this SPA by the NPWS (2015) and I refer the Board to the supporting documentation for same <sup>5</sup>. These are summarised in the applicant's AA screening</p>

<sup>5</sup> [https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO004006.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004006.pdf)

		<p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>	<p>document as follows:</p> <p>Birds (similar for all species)</p> <p>Long term population trend stable or increasing; there should be no significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation</p>
North Dublin Bay SAC (000206)	c23km	Mudflats and sandflats not covered by seawater at low tide [1140]	Site specific conservation objectives have published by the NPWS (2013) and

		<p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>	<p>I refer the Board to same <sup>6</sup>. The applicant's AA Screening Report has also summarised same.</p>
Glenasmole Valley SAC (001029)	c20.1km	<p>Habitats</p> <p>6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-</p>	<p>Generic conservation objectives have been published by the NPWS (2021) which are:</p>

<sup>6</sup> [https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO000206.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000206.pdf)



		<p>Brometalia) (* important orchid sites)</p> <p>6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)</p> <p>7220 Petrifying springs with tufa formation (Cratoneurion)*</p>	<p>To maintain or restore the favourable conservation condition of the Annexed habitats/species for which the SAC has been selected.</p>
<p>Wickow Mountains SAC (002122)</p>	<p>c21.6 km</p>	<p>Habitats</p> <p>3110 Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae)</p> <p>3160 Natural dystrophic lakes and ponds</p> <p>4010 Northern Atlantic wet heaths with Erica tetralix</p> <p>4030 European dry heaths</p> <p>4060 Alpine and Boreal heaths</p> <p>6130 Calaminarian grasslands of the Violetalia calaminariae</p> <p>6230 Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain</p>	<p>Site specific conservation objectives have published by the NPWS (2013) and I refer the Board to same <sup>7</sup>. The applicant's AA Screening Report has also summarised same.</p>

<sup>7</sup> [https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO002122.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002122.pdf)

		<p>areas, in Continental Europe)*</p> <p>7130 Blanket bogs (* if active bog)</p> <p>8110 Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani)</p> <p>8210 Calcareous rocky slopes with chasmophytic vegetation</p> <p>8220 Siliceous rocky slopes with chasmophytic vegetation</p> <p>91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles</p> <p>Species</p> <p>1355 Otter (<i>Lutra lutra</i>)</p>	
Wicklow Mountains SPA (004040)	c24.9 km	<p>Birds</p> <p>A098 Merlin (<i>Falco columbarius</i>)</p> <p>A103 Peregrine (<i>Falco peregrinus</i>)</p>	<p>Generic conservation objectives have been published by the NPWS (2021) which are:</p> <p>To maintain or restore the favourable conservation</p>

			condition of the bird species listed as Special Conservation Interests for this SPA.
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12.1.17. The Screening Report sets out a 'Pathway Analysis' and concludes that there is no direct natural hydrological connection from the development site to any Natura 2000 site. It is noted that there is an indirect pathway through the stormwater network located on the Dunboyne Road and through natural surface run-off to the Rye Water/Carton SAC. Reference is made to the Hydrological and Hydrogeological Assessment Report submitted with this application which has concluded that groundwater flow from the proposed development site will flow to the north/northeast and discharge as baseflow to the Rye Water and River Lyreen. It is also noted that there is no pathway for a hydraulic connection between groundwater at the proposed development site and known, groundwater fed petrifying spring habitats at Louisa Bridge, a qualifying interest of the Rye Water/Carton SAC. It is noted that Louisa Bridge is approximately 6.5km from the site. The Hydrological and Hydrogeological Assessment Report also considers a scenario where unmapped petrifying springs may occur within the Rye Water Valley/Carton SAC and has defined a conservative groundwater Zone of Influence (Zol) from the proposed development. Any unmapped spring occurring outside of this Zol cannot be impacted by the proposed development. This Zol does not encroach over the SAC boundary. It is concluded that there can be no hydrological or hydrogeological impacts on any unmapped springs that may exist along the Rye Water as this area is not mapped within the Zol of the proposed development site.

12.1.18. Foul water discharges to the River Liffey downstream of the Rye Water. Surface water pathways continue along the River Liffey to Dublin Bay and the North Dublin Bay SAC, North Bull Island SPA, South Dublin Bay SAC and the South Dublin Bay and River Tolka Estuary SPA.

- 12.1.19. The Screening Report sets out that there are no terrestrial or hydrological, direct or indirect pathways to the Glenasmole Valley SAC, the Wicklow Mountains SAC/SPA or any other Natura 2000 site and it is concluded that these sites lie outside the zone of influence of the development.
- 12.1.20. In relation to the remaining sites, the Screening Report sets out a detailed description of same. In relation to the potential for significant effects the Screening Report notes the following;
- 12.1.21. In relation to habitat loss, the distance of the site from the nearest Natura 2000 site is noted, some 120m to the Rye Water/Carton SAC, and c23km from the Dublin Bay Natura 2000 sites. The Screening Report rules out direct loss or disturbance of habitats or species listed as qualifying interests due to distance and lack of any pathway for such effects.
- 12.1.22. Habitat disturbance/ex-situ impacts are ruled out, as there is no suitable habitat on the site for any species which are qualifying interests for any Natura site.
- 12.1.23. In relation to the risk of pollution during construction, the report notes, in the absence of mitigation, and given the proximity of the Rye Water to the construction area, that there is moderate risk of pollution of surface water and groundwater. The Screening Report notes that qualifying interests of the Rye Water/Carton SAC (*V. angustior* and *V. moulinsiana*) do not inhabit the main water body of the Rye Water. It is further noted that there is no direct hydrological pathways to the areas of petrifying springs within the Rye Water/Carton SAC, as the flow of water from these features is from the Royal Canal towards the river. In addition, the potential ZOI of the development project does not extend to the SAC boundary. The location of the qualifying interests are over 6.5km from the construction zone and no potential direct or indirect impacts on same are highlighted in the report. However, the report concludes, that given the proximity of the site to the SAC boundary, and taking a precautionary approach, it is prudent to conclude that significant effects cannot be ruled out to the Rye Water/Carton SAC. Potential effects on the Dublin Bay sites are ruled out due to distance of the development site from same.
- 12.1.24. In relation to surface water pollution during operation, it is stated that in the absence of SUDS measures, pollutants could potentially enter the SAC via surface water drains. The report notes that SUDS are standard measures in all construction

projects and are not included here to avoid or reduce an effect to a Natura site. However, it is further noted that in the absence of SUDS measures, there is a risk that water quality in the Rye Water could arise, and taking a precautionary approach, significant effects cannot be ruled out to the Rye Water/Carton SAC. Potential effects on the Dublin Bay sites, even in the absence of SUDS, are ruled out due to distance of the development site from same.

12.1.25. Impacts arising from wastewater discharge, water abstraction, changes to hydrology, light and noise on those Natura Sites within the zone of influence, are ruled out in the Screening Report. In-combination impacts are considered within the report and impacts from same are ruled out.

#### AA Screening Conclusion

12.1.26. In terms of the Natura sites with the potential to be impacted, I concur with the conclusions of the Screening Report, in that the only Natura 2000 site where there is potential for likely significant effects is the Rye Water Valley/Carton SAC for the reasons set out above, in that potential pollution sources during construction and operation could affect the Rye Water/Carton SAC, given the proximity of the site to the Rye/Water Carton SAC.

#### **Stage 2 – Appropriate Assessment**

12.1.27. The submitted NIS sets out the relevant Qualifying Interests (Qis) and associated conservation objectives of Rye Water Valley/Carton SAC. The conservation objectives are generally to maintain or restore the favourable conservation condition of each habitat or species of qualifying interest.

12.1.28. The geographical extent of the various habitats and species of qualifying interests associated with the Rye Water Valley/Carton SAC (as noted in Table 1 above) is set out in the Applicant's Screening Report and the NIS. The NIS notes that the 3 no. qualifying interests for the Rye Water/Carton SAC currently have an 'Inadequate' status, as defined by the NPWS (at a national level, rather than a local level). These 3 no. qualifying interest are as follows:

Petrifying Springs (7720 – priority habitat) – vulnerable to changes in water quality, flow regime and intensification of land use practices.

Narrow-mouthed Whorl Snail (1014) –principle threats arise from undergrazing and overgrazing.

Demmoulin's Whorl Snail (1016) – principle threats arise from drainage of wetlands and riparian management of canals.

12.1.29. The NIS considers potential adverse effects on the Rye Water Valley/Carton SAC. It is noted that, given hydrological pathways exist to the Rye Water, and taking a precautionary approach, there is potential for surface water and ground water pollution to occur during the construction and operational phases, significant effects cannot be ruled out to the Rye Water/Carton SAC, noting however that the links between water pollution and the qualifying interests of the Rye Water Valley/Carton SAC are not well established. Subsequently it is assumed that pollution during the construction phase may result in effects to the integrity of the SAC.

12.1.30. The NIS sets out mitigation measures that will avoid any pollution effects to qualifying interests in the Rye Water/Carton SAC. Pollution effects during operation will be mitigated by the use of standard SUDS techniques, described in detail in Section 10.10 of this report, and in the supporting documentation associated with the application. With the implementation of these measures no impact to water quality during the operational phase is likely to arise. In relation to pollution prevention during construction, guidance from Inland Fisheries Ireland (IFI, 2016) will be followed as relates to the protection of fish habitat, which includes the implementation of measures such as silt curtains to prevent silt from entering the Rye Water. Polluting substances such as oils and fuels will be stored in a bunded zones. The NIS sets out also those measures as detailed in the Construction and Environmental Management Plan, as submitted with the application. These measures include, but are not limited to, appropriate storage, treatment and discharge of surface water run-off, measures to deal with accidental spills and leaks, erosion and sediment control and measures related to the use of concrete.

12.1.31. It is set out that the avoidance, design requirements and mitigation measures as set out in the NIS will ensure that impacts on the conservation objectives of European Sites will be avoided and there will no adverse impacts on European Sites.

12.1.32. The NIS concludes that the proposed development, individually or in combination with other plans or projects, will not adversely affect the integrity of any the Rye Water/Carton SAC.

12.1.33. I note that an observer submission has cited the lack of reference to Bats within the NIS. I note that Bats are not a species of qualifying interest of any of the Natura 2000 sites within the zone of influence of the project, including the Rye Water/Carton SAC. Bats are however protected under the Wildlife Act 1976 (as amended), and as noted in the Bat Assessment submitted with this application, amendments to the Wildlife Act and its Statutory Instruments have enacted and amended protection of individual species (including bats), in order to comply with EU legislation, including the Habitats Directive (92/42/EEC). I have set out my assessment, as relates to the impacts on bats, in Section 10.7 of this report.

12.1.34. I generally concur with the conclusions in the NIS, and there is no scientific evidence either on file, or within the public domain, that would warrant different conclusions.

#### **AA determination – Conclusion**

12.1.35. The proposed residential development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

12.1.36. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on European Site No. 001398 Rye Water/Carton SAC.

12.1.37. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of this site in light of its conservation objectives.

12.1.38. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of European Site No. 001398 Rye Water/Carton SAC, or any other European site, in view of the sites' Conservation Objectives.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project, including proposed mitigation measures, in relation to the Conservation Objectives of European Site No. 001398 Rye Water/Carton SAC.

- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of European Site No. 001398 Rye Water/Cartron SAC.

## 13.0 Conclusion and Recommendation

- 13.1.1. The proposed residential scheme is acceptable in principle at this site with regard to the relevant zoning objectives of the Maynooth Local Area Plan 2013-2019. The provision of a higher density residential development at this location is desirable having regard to its location on the edge of the urban area of Maynooth, adjacent to existing residential development, its proximity to existing public transport services and having regard to existing and proposed pedestrian and cycle infrastructure facilities. In addition, the site is located in an area with a wide range of social infrastructure facilities. The height, bulk and massing, detailed design and layout of the scheme are acceptable. I am also satisfied that the development would not have any significant adverse impacts on the amenities of the surrounding area. The future occupiers of the scheme will also benefit from a high standard of internal amenity and the proposal will contribute significantly to the public realm. The overall provision of car parking and cycle parking is considered acceptable, subject to conditions. I am satisfied the future occupiers of the scheme will not be at risk from flooding, and the proposal will not increase the risk of flooding elsewhere.
- 13.1.2. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission be GRANTED for the proposed development, subject to conditions, for the reasons and considerations set out below.

## 14.0 Recommended 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 16<sup>th</sup> Day of July 2021 by Cairn Homes Properties Ltd care of John Spain Associates, 39 Fitzwilliam Place, Dublin 2, D02 ND61.

**Proposed Development:**

The development will consist of the construction of 194 no. dwellings and ancillary infrastructure as follows:

A) 119 no. 2 storey houses (7 no. 2 bedroom houses, 89 no. 3 bedroom houses, 22 no. 4 bedroom houses and 1 no. 5 bedroom dwelling);

B) 31 no. apartments in 1 no. 4 storey apartment building (14 no. 1 bedroom apartments and 17 no. 2 bedroom apartments) all apartment units to have balcony or terrace;

C) 36 no. duplex apartments/apartments (18 no. 2 bedroom apartments and 18 no. 3 bedroom duplex apartments) in a series of 3 no. duplex apartment buildings of 3 no. storeys in height, all duplex units to have balcony or terrace;

D) 8 no. 1 bedroom Maisonette Apartment Dwellings in 2 no. 2 storey buildings;

E) Creche of c. 303.5 sq. m located in ground floor of Apartment building;

F) Realignment and upgrade of a section of the Dunboyne Road (c. 480m) to include footpaths, cycle paths and road crossing as well as foot/cycle path along Dunboyne Road to Limewalk entrance (temporary construction accesses from Dunboyne Road);

G) Vehicular access from 2 points on the Dunboyne Road (and a pedestrian access beside apartment block), internal roads and paths;

H) Open space areas [with pedestrian/cyclist connection including 'tie in' arrangements to the 'Limewalk' to the south], hard and soft landscaping (including public lighting) and open space (including boundary treatment), communal open space for duplex apartments; regrading/re-profiling of site where required [including import/export of soil as required] along with bicycle/bin stores and ESB substations, upgrade of existing attenuation in quarry area including landscaping;

I) Bicycle (209 no. spaces) and car parking (336 no. spaces) as well as single storey bin and bicycle stores;

- J) Provision of vehicular entrance and driveway to serve Pebble Hill (a protected structure) from the Dunboyne Road;
- K) Surface water attenuation measures and underground attenuation systems as well as connection to water supply, drainage and provision of local pumping station to Irish Water specifications (with access from the Dunboyne Road);
- L) Demolition of existing agricultural structures (c. 156 sq. m);
- M) All ancillary site development/construction works.

### **Decision**

**Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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**

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

- (a) the location of the site in an established urban area, with the majority of the site zoned for residential;
- (b) the policies and objectives of the Kildare County Development Plan 2017-2023 and of the Maynooth Local Area Plan 2013-2019;
- (c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) Housing for All - a New Housing Plan for Ireland 2021;
- (e) the National Planning Framework which identifies the importance of compact growth;
- (f) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;

- (g) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018 and particularly Specific Planning Policy Requirement 3;
- (h) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020;
- (i) Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities – May 2021
- (j) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (k) The Planning System and Flood Risk Management (including the associated Technical Appendices), 2009;
- (l) The nature, scale and design of the proposed development and the existing availability in the area of a wide range of social, transport and water services infrastructure, as well as the proposed delivery of improved transport infrastructure including the upgrading and realignment of the Dunboyne Road and cycle and pedestrian infrastructure in the vicinity of the site;
- (m) The pattern of existing and permitted development in the area;
- (n) The submissions and observations received;
- (o) The Chief Executive Report from the Planning Authority; and
- (p) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

### **Appropriate Assessment**

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that European Site No. 001398 Rye Water/Carton SAC was the only European Site in respect of which the proposed development has the potential to have significant effects.

The Board considered the Natura impact statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment.

The Board completed an appropriate assessment of the implications of the proposed development for the affected European Site, namely European Site No. 001398 Rye Water/Carton SAC, in view of the site's conservation objectives.

The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

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

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

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.

### **Environmental Impact Assessment**

The Board completed an environmental impact assessment screening of the proposed development and considered the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended), identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to: -

(a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,

(b) The existing use on the site and pattern of development in surrounding area;

(c) The availability of mains water and wastewater services to serve the proposed development,

(d) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)

(e) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),

(f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

(g) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Natura impact Statement, the Preliminary Construction and Environmental Management Plan, the Construction Waste and By-Product Management Plan the Operational Waste Management Plan, the infrastructure Design Report, the Ecological Impact Assessment, the Bat Assessment and the Site Specific Flood Risk Assessment;

The Board did not consider that the proposed development would be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

### **Conclusions on Proper Planning and Sustainable Development:**

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development, would be acceptable in terms of pedestrian safety and would provide an acceptable form of residential amenity for

future occupants. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 15.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be five years from the date of this Order.

**Reason:** In the interests of proper planning and sustainable development.

3. The proposed development shall be amended as follows:

(a) The proposed shared pedestrian/cycle link to Carton Avenue (also known as Lime Walk/Lime Avenue) running through the agricultural lands to the south of the site shall be omitted from the proposal.

**Reason:** In the absence of adequate supporting information in relation to potential impacts on Carton Avenue, which is of historical and landscape significance.

4. The proposed upgrading and realignment works on the circa 500m section of the Dunboyne Road from the Castlepark Estate to the R157 roundabout, and the proposed pedestrian and cycle infrastructure as detailed in the submitted application, shall be completed prior to the occupation of any of the proposed residential units and prior to the operation of the proposed crèche.

**Reason:** In the interest of traffic safety and in the interest of proper planning and development.

5. Prior to the commencement of development the applicant shall submit details of an alternative location for the proposed bin store serving the apartment block for agreement in writing with the Planning Authority.

**Reason:** In the interest of urban design and visual amenity.

6. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

7. All mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Assessment, Ecological Impact Assessment, Bat Assessment, Construction Environmental Management Plan (CEMP), the Site Specific Flood Risk Assessment and subsequent reports submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

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

8. Prior to the commencement of development, details of the proposed amenity pond area shall be submitted to and agreed in writing with the planning authority. Details shall include any health and safety measures proposed to ensure the risk to the public is minimised, as far as is practicable.

**Reason:** In the interest of health and safety.

9. The following requirements in terms of traffic, transportation and mobility shall be incorporated, and where required revised drawings/reports showing

compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development:

- (a) Detailed design of the proposed upgrading and realignment works on the circa 500m section of the Dunboyne Road from the Castlepark Estate to the R157 roundabout.
- (b) The roads and traffic arrangements serving the site, including the proposed Toucan Crossing and signage, shall be in accordance with the detailed requirements of the planning authority for such works.
- (c) The proposed development shall be undertaken in accordance with the recommendations and mitigation measures of the Traffic and Transport Impact Assessment. Any additional works required as a result of the Transport Impact Assessment shall be funded by the developer.
- (d) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.
- (e) All works to public roads/footpaths/cycle ways shall be completed to the satisfaction of the planning authority.
- (f) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii.
- (g) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.
- (h) The applicant shall submit a Mobility Management Plan and details of car parking design, layout and management to the planning authority for agreement in writing prior to the commencement of development.

In default of agreement, the matter(s) in dispute shall be referred to An Board Pleanála for determination.



**Reason:** In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

10. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. The spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission. Car parking spaces shall not be sold, rented or otherwise sub-let or leased to other parties. Car parking serving the entire development site shall be managed based on a detailed car parking management plan. Prior to the commencement of development, such a detailed car parking management plan shall be submitted for agreement in writing with the Planning Authority.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed residential units.

11. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of electric vehicles.

12. Proposals for the development name and dwelling numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and dwelling numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the

development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

13. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application unless otherwise agreed in writing with the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of visual amenity.

14. The areas of public open space and communal open spaces, as shown on the lodged plans shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

**Reason:** In order to ensure the satisfactory development of the public and communal open space areas, and their continued use for this purpose.

15. The developer shall implement all recommendations contained within the Tree Survey Report in order to ensure the protection of trees to be retained within the site. In this regard the applicant shall retain the services of a qualified arborist as an Arboricultural Consultant for the entire period of construction activity. The applicant shall inform the planning authority in writing of the appointment and name of the consultant, prior to the commencement of development.

**Reason:** To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

16. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.

**Reason:** In the interests of amenity and public safety.

17. Water supply and the arrangements for the disposal of foul water, shall comply with the requirements of the Irish Water and the Planning Authority for such works and services.

**Reason:** In the interest of public health and to ensure a satisfactory standard of development.

18. The developer shall enter into water and wastewater connection agreement(s) with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

19. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and surface water management.

20. Prior to the commencement of development, a revised Flood Risk Assessment shall be submitted to, and agreed in writing with the planning authority detailing the following amendments:

- a) In the event of a failure of the surface water management proposals for the upgraded Dunboyne Road, a detailed appraisal of the residual flood risk to surrounding residential properties and details of appropriate mitigation measures to offset same, including details of flow paths.
- b) The implications of climate change on the risk of groundwater flooding of the site and details of appropriate mitigation measures to offset same, if applicable.

**Reason:** To minimise flood risk and in the interests of proper planning and sustainable development of the area.

21. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

22. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

23. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

24. The construction of the development shall be managed in accordance with a Final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide inter alia: details of proposals as relates to soil importation and exportation to and from the site; details and location of proposed construction compounds, details of intended construction practice for the development, including noise management measures, details of arrangements for routes for construction traffic, parking

during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.

**Reason:** In the interests of public safety and residential amenity.

25. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

**Reason:** To protect the residential amenities of property in the vicinity.

26. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

27. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

28. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

29. All items and areas for taking in charge shall be undertaken to a taking in charge standard. Prior to development the applicant shall submit construction

details of all items to be taken in charge. No development shall take place until these items have been agreed.

**Reason:** To comply with the Councils taking in charge standards.

30. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

31. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

32. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or

on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions for Kildare County Council of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

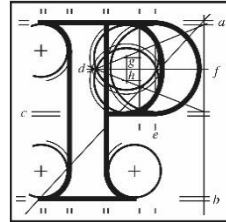
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Rónán O'Connor  
Senior Planning Inspector

21<sup>st</sup> October 2021

Appendix A: EIA Screening Form



**An  
Bord  
Pleanála**

**EIA - Screening Determination for Strategic Housing Development Applications**

A. CASE DETAILS		
<b>An Bord Pleanála Case Reference</b>		ABP-310865-21
<b>Development Summary</b>		194 no. residential units (119 no. houses, 75 no. apartments) creche and associated site works.
	<b>Yes / No / N/A</b>	
<b>1. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	An AA Screening Report and an NIS were submitted with the application



2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	Please see Sections 11.1.5 and 11.1.6 of Inspector's report.

<b>B. EXAMINATION</b>	<b>Yes/ No/ Uncertain</b>	<b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b>  (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) <b>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</b>	<b>Is this likely to result in significant effects on the environment?</b> <b>Yes/ No/ Uncertain</b>
<b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b>			

<p><b>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</b></p>	<p><b>No</b></p>	<p>The residential use and other uses proposed and the size and design of the proposed development would not be unusual in the context of this residential area.</p>	<p>No</p>
<p><b>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</b></p>	<p><b>Yes</b></p>	<p>Such changes in land use and form are not considered to be out of character with the pattern of development in the surrounding area.</p>	<p>No</p>
<p><b>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</b></p>	<p><b>Yes</b></p>	<p>Construction materials will be typical of such urban development. Development of this site will not result in any significant loss of natural resources or local biodiversity.</p>	<p>No</p>
<p><b>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>

<p><b>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p><b>No</b></p>
<p><b>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</b></p>	<p><b>No</b></p>	<p>No significant risk identified. Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. There is no direct connection from the site to waters. The operational development will connect to mains water and drainage services.</p>	<p><b>No</b></p>

<p><b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b></p>	<p><b>Yes</b></p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts. Lighting design to avoid overspill to adjoining lands</p>	<p><b>No</b></p>
<p><b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b></p>	<p><b>No</b></p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction, Environmental Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p><b>No</b></p>
<p><b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b></p>	<p><b>No</b></p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p><b>No</b></p>

<p><b>1.10 Will the project affect the social environment (population, employment)</b></p>	<p><b>Yes</b></p>	<p>Redevelopment of this site as proposed will result in an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses.</p>	<p><b>No</b></p>
<p><b>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</b></p>	<p><b>No</b></p>	<p>The immediate area has been developed with housing in recent years. However the lands on which housing has been developed are residentially zoned lands, the development of which has been foreseen by the Kildare County Development Plan 2017-2023 and by the Maynooth LAP 2013-2019 both of which have undergone an SEA. Other developments in the wider area are not considered to give rise to significant cumulative effects.</p>	<p><b>No</b></p>
<p><b>2. Location of proposed development</b></p>			
<p><b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b></p> <p>1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA</p>	<p><b>Yes</b></p>	<p>The site is located 120m from the boundary of the Rye Water/Cartron SAC. An NIS has been submitted with the application which has concluded that that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of</p>	<p><b>No</b></p>

<p>3. Designated Nature Reserve  4. Designated refuge for flora or fauna  5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>		<p>the Rye Water/Carton SAC or any other European Site, having regard to the sites' conservation objectives.</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No such uses on the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>Yes</p>	<p>The site accompanied by a Conservation Appraisal which has concluded that the proposal will not have any significant impacts on the adjacent Protected Structure 'Pebble Hill', the Carton Estate or views from same, nor on the Lime Walk (Lime Avenue), a feature of landscape and historical significance. Subject to the pedestrian/cycle link to the Lime Walk (Lime Avenue) being omitted, no impacts on features of landscape, historic, archaeological, or cultural importance are anticipated.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>		<p>No</p>

<p><b>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</b></p>	<p><b>No</b></p>	<p>There are no direct connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding.</p>	<p>No</p>
<p><b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b></p>	<p><b>No</b></p>	<p>There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion.</p>	<p>No</p>
<p><b>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</b></p>	<p><b>No</b></p>	<p>The site is served by a local urban road network.</p>	<p>No</p>
<p><b>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</b></p>	<p><b>Yes</b></p>	<p>There is no existing sensitive land uses or substantial community uses which could be affected by the project.</p>	<p>No</p>

<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</b>	<b>No</b>	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	<b>No</b>
<b>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</b>	<b>No</b>	No trans boundary considerations arise	<b>No</b>
<b>3.3 Are there any other relevant considerations?</b>	<b>No</b>		<b>No</b>

<b>C. CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>	<b>Yes</b>	EIAR Not Required	
<b>Real likelihood of significant effects on the environment.</b>	<b>No</b>		



## D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

(a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,

(c) The existing use on the site and pattern of development in surrounding area;

(d) The availability of mains water and wastewater services to serve the proposed development,

(e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)

(f) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),

(f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

(g) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Natura impact Statement, the Preliminary Construction and Environmental Management Plan, the Construction Waste and By-Product Management Plan the Operational Waste Management Plan, the infrastructure Design Report, the Ecological Impact Assessment, the Bat Assessment and the Site Specific Flood Risk Assessment, it is considered that the proposed development would not be likely to have significant effects

on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

**Inspector:** \_\_\_\_\_ **Ronan O'Connor**

**Date:** 21/10/2021