



An
Bord
Pleanála

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

Inspector's Report ABP-314337-22

Strategic Housing Development

7-year permission for 158 no. apartments, 260 no. student bedspace accommodation, creche, 2 no. retail units and associated site works.

Location

Mariavilla, Moyglare Road, Maynooth,
Co. Kildare.
(www.moyglareroadmaynoothshd.com)

Planning Authority

Kildare County Council

Applicant

Cairn Homes Properties Ltd

Prescribed Bodies

1. Irish Water
2. Inland Fisheries Ireland

Observers

Maynooth Community Council

Date of Site Inspection

9th April 2025

Inspector

Margaret Commane

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The subject site is a 2.48Ha irregular shaped site located c. 275 metres to the north of the town of Maynooth and c. 150 metres east of Maynooth University Campus, in Co. Kildare. It lies on the eastern side of Moyglare Road, immediately south-east of the intersection of Moyglare Road and Lyreen Avenue. It comprises of a parcel of undeveloped land which previously formed part of a larger land parcel that was the subject of a planning application for a Strategic Housing Development under ABP Ref. ABP-301230-18. It is currently being used as a construction compound/storage area associated with the development currently under construction further north on foot of this permission. The site is accessed to the north via Lyreen Avenue, a recently constructed link road between Dunboyne Road to Moyglare Road, which flanks the sites northern boundary. In terms of gradient, the site is at its highest adjacent to its western boundary and from there it falls by c. 3-8 metres in an easterly direction.
- 2.2. The area immediately surrounding the subject site features a mix of residential, educational, sport/recreation and ecclesiastical land uses. The site's western boundary flanks Moyglare Road (northernmost part) and the Divine Word Missionaries complex (central/southernmost part). Further west, on the opposite side of Moyglare Road, is Gaelcholaiste Mhaigh Nuad. The site's southern boundary currently abuts a field, which was recently granted planning permission (under Reg. Ref. 23/494) for a Large-Scale Residential Development, involving 115 no. apartments, a creche, a restaurant/café and 1 no. office unit. The Lyreen River runs along the site's eastern boundary. The Crewhill Stream (also known as the Maws Stream and referred to as such in some documents accompanying the application) and Lyreen Avenue bounds the site to the north. Further north, on the opposite side of Lyreen Avenue is the recently constructed Mariavilla Residential Estate, which comprises of 3-storey duplex blocks and 4-storey apartment blocks proximate to the subject site.

- 2.3. Bus Stop No. 8084, which is served by Bus Route No. W6, is located to the front of the site on Moyglare Road. The site is also within c. 550 metres of Bus Stop No. 103431, which is served by Bus Routes No. 115 and 115C; c. 650 metres of Bus Stop No. 3981, which is served by Bus Routes No. 139, C3, C5, X25 and X26; and c. 800 metres north of the Maynooth Train Station.

3.0 Proposed Strategic Housing Development

- 3.1. Planning permission was sought for the following (in summary): - construction of a mixed-use residential development, comprising of 33 no. student accommodation units (260 no. bedspaces)/ancillary facilities provided across 3 no. blocks (Blocks A1, A2 and A3); 158 no. apartments/ancillary facilities, provided across 3 no. blocks (Blocks B1, B2 and B3); a creche; and 2 no. retail units, along with all associated works to facilitate development.
- 3.2. The proposed development will replace the student accommodation development (which comprised of 106 no. student accommodation units (483 no. bedspaces), a creche, a retail unit, a gym and a café) previously permitted as part of a Strategic Housing Development under ABP Ref. ABP-301230-18 and will include repositioning of a pedestrian bridge/revisions to landscaping previously permitted.
- 3.3. 154 no. car parking and 672 no. bicycle parking spaces are proposed as part of the development, accessible via 2 no. existing junctions onto Lyreen Avenue. In terms of materials and finishes, the buildings feature primarily brick (of varying colour/texture) and render facades, punctuated with dark-painted steel balustrades and coloured windows in the context of the student accommodation blocks, and flat roofs.
- 3.4. The application is accompanied by a Natura Impact Statement.
- 3.5. A summary of the key site statistics/details of the proposed are provided in the table below/overleaf:

Site Area	2.48Ha
Demolition Works	0sqm
Total Gross Floor Area	24,937sqm

No. of Student Accommodation Units	<p>33 no. student accommodation units providing 260 no. bedspaces (see table regarding mix below), served by the following ancillary facilities:</p> <ul style="list-style-type: none"> • A gym; • A yoga studio; • Study rooms; • Laundry facilities; • A cinema; • Lounges; • A parcel room/storage areas; and • A multi-purpose student amenity space.
No. of Apartments	<p>158 no. apartments (see table regarding mix below), served by the following ancillary facilities:</p> <ul style="list-style-type: none"> • A gym; • A meeting room; • A parcel room; • A lounge; and • A multi-functional co-working space.
Part V Provision	15 no. Part V units (8 x 1-bed apartment units and 7 x 2-bed apartments).
Non-residential uses	A childcare facility (c. 700sqm), located in a standalone building; and 2 no. retail units (c. 329sqm), located on the ground floor level of Block A2.
Open Space	10,101sqm of public open space, 1,211sqm of external amenity space serving the proposed student units (provided across 2 no. areas, one of which comprises a playing court), 2,388sqm of communal open space serving the proposed apartments (provided in the intervening space between the proposed blocks) and 107sqm associated with the proposed childcare facility.
Car Parking	154 no. in total, comprising of 110 no. serving the apartments and 44 no. serving the student accommodation units/ancillary gym, creche and retail units.
Bicycle Parking	672 no. in total, comprising of 320 no. serving the apartments (80 no. short stay spaces and 240 no. long stay spaces); 330

	no. serving the student accommodation units (70 no. short stay spaces and 260 no. long stay spaces); 14 no. serving the childcare facility (10 no. short stay spaces and 4 no. long stay spaces); and 8 no. serving the retail units.
Density	95.8 units per hectare (excluding Student Accommodation part of site)/77 units per hectare (including Student Accommodation units)
Height	<p>2-7 storeys, more specifically:</p> <ul style="list-style-type: none"> • Block A1, located in the north-western corner of the site, is 5 storeys; • Block A2, located adjacent to the western boundary fronting Moyglare Road, is 5-6 storeys; • Block A3, located in the northern part of the site adjacent to the southern boundary, is 5 storeys; • Block B1, in the northern part of the site adjacent to the northern boundary, is 4-7 storeys; • Block B2, located centrally along the site's eastern boundary, is 6 storeys; • Block B3, located in the southern corner of the site, is 4-7 storeys; and • The standalone childcare facility building, located centrally on site, is 2 storeys.
Site Coverage	20.7%
Plot Ratio	0:1.02
Dual Aspect Apartments	82 no. apartments (52%)

3.6. The following is a summary breakdown of the student units proposed:

Student Units				
Block	Single Bedrooms	Double Bedrooms	Accessible Bedspaces	Total Bedspaces
A1	64	0	8	72
A2	96	0	4	100
A3	76	4	4	88
Total	236	4	16	260

3.7. The mix of units across the 3 no. Apartment Blocks will be as follows:

Apartments					
Block	Studio	1 Bed	2 Bed	3 Bed	Total
B1	1	19	37	6	63
B2	0	16	19	0	35
B3	1	16	37	6	60
Total	2	51	93	12	158

3.8. The phasing proposed (as per Drawing No. 0110) is as follows:

- Phase 1 – Apartment Blocks B1, B2 and B3.
- Phase 2 – Student Accommodation Blocks A1, A2 and A3, including the 2 no. retail units, and the childcare facility.

3.9. In addition to the standard drawings/documentation requirements and aforementioned NIS, the application was accompanied by the following reports and documentation:

- Planning Report & Statement of Consistency.
- Statement of Response to An Bord Pleanála's Consultation Opinion
- Statement of Material Contravention.
- Social Infrastructure and School Provision Assessment.
- Architect Design Statement.
- Housing Quality Assessment and Schedule of Areas.
- Infrastructure Design Report.
- Traffic and Transportation Assessment.
- Mobility Management Plan.
- Site Specific Flood Risk Assessment.
- DMURS Compliance Statement.
- Preliminary Construction & Environmental Management Plan.
- Landscape Strategy and Design Statement.

- Landscape and Visual Impact Assessment.
- Photomontages CGIs.
- Wind Microclimate Modelling Report.
- Resource & Waste Management Plan.
- Outline Operational Waste Management Plan.
- Noise & Vibration Summary Report.
- Air Quality & Climate Summary Report.
- Waste Management Summary Report.
- Student Accommodation Management Document.
- Building Lifecycle Report.
- Appropriate Assessment Screening Report.
- Ecological Impact Assessment Report.
- Environmental Impact Assessment Screening Report.
- Statement in accordance with Article 299B.
- Daylight Sunlight & Overshadowing Report.
- Telecommunication Impact Assessment.
- Archaeological Assessment.
- Energy Statement.
- Bat Assessment.
- Outdoor Lighting Report.
- Aeronautical Assessment Report.
- Public Transport Capacity Assessment.
- Arborist Report.
- Architectural Heritage Impact Assessment.
- Hydrological & Hydrogeological Assessment Report.
- Stage 1 Road Safety Audit.

4.0 Planning History

4.1. Subject Site

The following previous applications pertaining to the subject site, as part of a larger 21.26 ha landbank which extends further north, are of relevance:

ABP Ref. ABP-301230-18

Permission was sought for a Strategic Housing Development involving (in summary):

- construction of 462 no. dwellings, comprising 319 no. houses, 142 no. apartments and 1 no. refurbished gate lodge (a Protected Structure); 106 no. student accommodation units (483 no. bedspaces); and a neighbourhood centre, containing a crèche, café, gym and retail unit.

Permission was granted by the Board in July 2018. This permission has been acted upon and the approved development built out save for in the context of the lands forming part of the subject site. Subsequently an extension of duration was granted in February 2023, under Reg. Ref. 22/1469, which extended the appropriate period of planning permission by an additional 5 years.

ABP Ref. ABP-303356-18

On 29th March 2019, An Bord Pleanála permitted a non-material alteration (a Section 146B amendment) to the previously approved development under ABP Ref. ABP-301230-18, relating to Condition No. 3(g) of the permission (pertaining to rear garden boundary treatments).

ABP Ref. ABP-304991-19

On 21st October 2019, An Bord Pleanála permitted a non-material alteration (a Section 146B amendment) to the previously approved development under ABP Ref. ABP-301230-18, relating to Conditions No. 4(c) and 11 of the permission pertaining to the matter of taking in charge and the provision of 10 no. additional car parking spaces.

4.2. Adjacent Sites

The following recent application on the sites immediately adjacent to the subject site that are pertinent to the current proposal.

Divine Word Missionaries, Moyglare Road, Maynooth, Co. Kildare (immediately west of the subject site)

Reg. Ref. 24/60225

Permission was granted by Kildare County Council in May 2024 for (in summary) construction of a three storey residential extension to the existing rectory, providing 5 no. rectory bedrooms and 1 no. rectory foyer space.

Reg. Ref. 21/216

Permission was granted by Kildare County Council in October 2021 for (in summary):
- demolition of a boiler house/a no. of structures and construction of a 3-storey building (Block 1), consisting of 125 student no. bedroom accommodation; and a 3-storey building (Block 2), consisting of 41 student bedroom accommodation, adjacent to existing student accommodation blocks featuring on site. At the time of writing this report, construction has not commenced on this neighbouring site as evidenced during my site visit.

Lands adjoining and to the rear of Saint Mary's Church at Mill Street, Maynooth, Co. Kildare (immediately south of the subject site)

Reg. Ref. 23/494 (ABP Ref. ABP-317665-23)

Permission was sought for a Large-Scale Development involving (in summary): - provision of 115 no. apartments in 4 no. separate blocks incorporating provision of a creche and restaurant/cafe, 1 no. office unit and provision of a basement to provide for car parking, bicycle storage and ancillary bin storage areas.

Permission was granted permission by Kildare County Council in July 2023. The decision of the Planning Authority was subsequently appealed by a no. of third parties (ABP Ref. ABP-317665-23). This appeal was subsequently withdrawn. At the time of writing this report, construction has not commenced on this neighbouring site as evidenced during my site visit.

ABP Ref. ABP-306068-19

Permission was sought for a Strategic Housing Development involving (in summary):
- provision of 120 no. apartments in 4 no. separate blocks, incorporating provision of a creche, restaurant/café, 3 no. office units and a basement car parking area.

Permission was refused by An Bord Pleanála in March 2020 for the following reasons:

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

5.0 Section 5 Pre Application Consultation

5.1. Pre-application Consultation (ABP Ref. ABP-312078-21)

5.1.1. A pre-application consultation meeting took place via Microsoft teams on the 14th day of April, 2022, in respect of a development comprising 158 no. apartments, 256 no. bedspace student accommodation, a childcare facility and associated site works. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála were in attendance. Copies of the record of this consultation meeting and the Inspector's Report arising from this consultation are appended to this file. The main topics raised for discussion at the tripartite meeting were as follows:

- i. Compliance with Land Use Zoning – Objective E, Community & Education.
- ii. Design and Layout, inter alia, height, scale and mass.
- iii. Integration of and impact on existing permitted development, inter alia, open space provision.

- iv. Drainage, inter alia, surface water treatment.
- v. Traffic & Transport, inter alia, cumulative impact.
- vi. Frontage to Moyglare Road.

5.2. Board Opinion

5.2.1. In the Notice of Pre-Application Consultation Opinion, dated the 27th day of April, 2022, An Bord Pleanála stated that it was of the opinion that the documents submitted constitute a reasonable basis for an application under Section 4 of the Act of 2016.

5.2.2. In addition to the standard strategic housing development application requirements, An Bord Pleanála advised that the following specific information should be submitted with any application for permission arising:

1. Notwithstanding that the proposal constitutes a reasonable basis for an application, the prospective applicant is advised to address the following in the documents submitted:
 - (a) Further consideration and/or justification of the documents as they relate to the impact of the proposed development on the character and setting of the surrounding area. those buildings of conservation interest, in the vicinity of the site. The documentation should demonstrate that the proposed development would not have an adverse impact on the architectural or built heritage to the south of the site within Maynooth town. In this regard, the application shall be accompanied by CGIs/visualisations/3D digital modelling and cross section drawings showing the works required on the site, the proposed development relative to existing and proposed developments in the vicinity, in particular along the Lyreen River, including justification for the elevational treatment, height and location of the proposed buildings relative to the surrounding area.
 - (b) Further consideration and/or justification of the documents as they relate to the location of the student accommodation relative to the Maynooth University and any links/ integration existing or proposed.
2. A detailed landscaping plan clearly illustrating the quantum and functionality of all open space areas and including a phasing plan.

3. A Mobility Management Plan.
4. A Sunlight/Daylight/Overshadowing Analysis.
5. The information referred to in Article 299B(1)(b)(ii)(II) and Article 299B(1)(c) of the Planning and Development Regulations, 2001-2018, unless it is proposed to submit an EIAR at application stage.

5.2.3. The prospective applicant was requested to notify the following prescribed bodies in relation to the application:

1. Irish Water.
2. Kildare County Childcare Committee.

5.3. **Applicant's Response to Opinion**

5.3.1. The application includes a standalone report titled 'Statement of Response to An Bord Pleanála's Consultation Opinion', outlining the specific information that has been submitted with the application to address the Board's opinion and referring to the requested consultation undertaken with prescribed bodies.

6.0 **Relevant Planning Policy**

6.1. **National Policy**

6.1.1. **Project Ireland 2040 - National Planning Framework**

The National Planning Framework (NPF) is a high-level strategic plan shaping the future growth and development of Ireland to 2040. Revised targets were included in the First Revision of the NPF, published in April 2025, which seek the provision of 50,000 new homes per annum between now and 2040. This will help accommodate Ireland's increasing population which is expected to reach 6.1 million people by 2040. The NPF includes 108 National Policy Objectives. The following objectives are of particular note in this instance:

- NPO 7 - Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.

- NPO 9 - Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- NPO 11 - Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.
- NPO 14 – Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets that can accommodate changing roles and functions, increased residential population and employment activity, enhanced levels of amenity and design and placemaking quality, in order to sustainably influence and support their surrounding area to ensure progress toward national achievement of the UN Sustainable Development Goal.
- NPO 20 – In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- NPO 42 - To target the delivery of housing to accommodate approximately 50,000 additional homes per annum to 2040.
- NPO 43 - Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- NPO 45 - Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

6.1.2. Climate Action Plan 2025

The Climate Action Plan 2025 seeks to tackle climate breakdown and achieve net zero greenhouse gas emissions by 2050. It comprises the third annual update to Ireland's

Climate Action Plan and builds upon the 2024 plan by refining and updating the measures/actions required to deliver the carbon budgets and sectoral emissions ceilings. The plan calls for a reduction in emissions from residential buildings and in transport emissions. The reduction in transport emissions includes a reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

6.1.3. National Biodiversity Action Plan 2023-2030

The National Biodiversity Action Plan 2023-2030 sets out actions through which a range of government, civil & private sectors will undertake to achieve Ireland's 'Vision for Biodiversity' and follows on from the work of the previous National Biodiversity Action Plans. It outlines five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Action number 3C1 requires that *"all Public Authorities and private sector bodies move towards no net loss of biodiversity through strategies, planning, mitigation measures, appropriate offsetting and/or investment in Blue-Green infrastructure"*. Section 59B(1) of the Wildlife (Amendment) Act, 2000 (as amended), requires the Board, as a public body, to have regard to the objectives and targets of the National Biodiversity Action Plan in the performance of its functions, to the extent that they may affect or relate to the functions of the Board.

6.1.4. National Policy Documents/Section 28 - Ministerial Guidelines

The following National Policy and Guidance Documents/Section 28 - Ministerial Guidelines are considered of relevance to the proposed development (specific policies and objectives are referenced within the assessment where appropriate):

- Urban Development and Building Heights - Guidelines for Planning Authorities (2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023).
- Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024).
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.

- The Planning System and Flood Risk Management, including the associated Technical Appendices (2009).
- Childcare Facilities, Guidelines for Planning Authorities (2001).
- Architectural Heritage Protection Guidelines for Planning Authorities (2011).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Cycle Design Manual (2023).

6.2. Regional Policy

6.2.1. Regional Spatial and Economic Strategy for the Eastern and Midlands Area, 2019

The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Area (adopted June 2019) provides a framework for development at regional level. The RSES encourages promotes the regeneration of our cities, towns and villages by making better use of under-used land and buildings within the existing built-up urban footprint. The site is located in Maynooth which is within the Dublin Metropolitan Area. A Metropolitan Strategic Area Plan (MASP) has also been prepared for the Dublin Metropolitan Area and guiding principles for the area include compact sustainable growth and accelerated housing delivery; Integrated Transport and Land use; and the alignment of growth with enabling infrastructure.

Further to this, Maynooth is identified as a 'Key Town' within the region. A 'Key Town' is 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 following Regional Policy Objectives are noted in particular:

- RPO 3.2: Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- RPO 4.26: Core strategies in local authority development plans shall support objectives to achieve a minimum of 30% of housing in Key Towns by way of compact growth through the identification of key sites for regeneration.

- 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 4.34: Support Maynooth as a key town to act as an economic driver for north Kildare and provide for strategic employment at key locations to improve the economic base of the town and provide for an increased number of local jobs.
- 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.
- RPO 4.36: To promote the consolidation of the town centre with a focus on the regeneration of underused buildings and strategic sites and the establishment of residential uses to encourage greater vibrancy outside of business hours and the enhancement of the public realm.
- RPO 5.5: Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES.

6.3. Local Policy

6.3.1. Kildare County Development Plan 2017-2023

The subject application was lodged on 11th August 2022 and at the time the Kildare County Development Plan 2017-2023 was in force. This Development Plan has subsequently expired.

6.3.2. Kildare County Development Plan 2023-2029

In the intervening period since the subject application was lodged, the Kildare County Development Plan 2023-2029 has been adopted by the elected members on 9th December 2022 and came into effect on 28th January 2023. Therefore, the Kildare County Development Plan 2023-2029 is the operative plan for the purposes of this application determination.

The following policies therein are considered relevant to the consideration of the subject proposal:

Chapter 2 - Core Strategy & Settlement Strategy

This chapter outlines an overarching growth strategy for development and strategy for the spatial development within the County to 2029. Maynooth, along with Naas, is designated as a “Key Town” within the settlement hierarchy, outlined in Table 2.7. 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.

As part of the preferred development strategy, outlined in Section 2.11, there will be a focus on achieving the critical mass in the Metropolitan Area Strategic Plan (MASP) area (Maynooth, Leixlip, Celbridge & Kilcock) and in the Key Towns of Naas and Maynooth.

Table 2.8 (Core Strategy Table) identifies a housing unit target of 997 for Maynooth to the end of Q4 2028 with a target residential density of 35-50 units per hectare. No additional residential zoned land requirement is identified to accommodate this housing target. Footnote No. 10 to this table identifies an additional population allocation for Maynooth of up to 10,000 persons from the redistribution of NPF City and Suburbs allocation, with the precise figure to be determined at LAP Stage.

The following objectives outlined in the context of the Core Strategy and Settlement Strategy are considered to be relevant:

- **CS 01** - Ensure that the future growth and spatial development of County Kildare is in accordance with the population and housing allocations contained in the Core Strategy which aligns with the regional growth strategy as set out in the National Planning Framework and Regional Spatial and Economic Strategy for

the Eastern and Midland Region and further specified in the 'Housing Supply Target Methodology for Development Planning'.

- **CS 05** - Promote compact growth and the renewal of towns and villages through the development of underutilised town centres and brownfield sites, and where appropriate, pursue through active land management measures a co-ordinated planned approach to developing appropriately zoned lands at key locations, including regeneration areas, vacant sites and under-utilised areas in cooperation with state agencies, while also maintaining a 'live' baseline dataset to monitor the delivery of population growth on existing zoned and serviced lands to achieve the sustainable compact growth targets of 30% of all new housing within the existing urban footprint of settlements.
- **CS 07** - Promote and facilitate the development of sustainable and socially integrated communities through, a plan-led approach that is informed by settlement capacity audits and social infrastructure audits by providing for land use zoning designations capable of accommodating employment, environmental education, community, leisure, education campuses, childcare, recreational and cultural facilities having regard to the quality of the receiving environment, and any landscape character, archaeological and architectural heritage sensitivities.
- **CS 09** - Review and prepare on an ongoing basis a portfolio of Local Area Plans (LAPs) for the mandatory LAP settlements (and environs, where appropriate) of Naas, Maynooth, Newbridge, Leixlip, Kildare, Athy, Celbridge, Kilcock, Monasterevin, Sallins, Clane and Kilcullen in accordance with the objectives of the County Development Plan and all relevant Section 28 Ministerial Guidelines.
- **CS 010** - Prepare a Joint Local Area Plan for Maynooth and Environs in conjunction with Meath County Council.
- **CS 013** - Require that the design of future development complies with the 10-minute settlement principle through the creation of a safe, attractive, permeable, and universally accessible environment for all, including permeability to existing estates to require public consultation which maximises the potential for active modes of travel along with accessibility to both present and planned public transport options and to advocate for increased public transport options to meet this goal where none are in place.

Chapter 3 - Housing

Chapter 3 deals with housing, and a number of policies and objectives in this chapter reiterate the requirement to zone sufficient land, comply with the core strategy and national and regional policy documents. Table 3.1 outlines the density levels for different settlement types, reiterating the parameters set out in the 2009 Ministerial Guidelines. A general density parameter is not outlined in the context of Inner suburban/infill sites within Larger Towns with a population of more than 5000, but rather density is to be site specific. The following policies/objectives outlined in the context of the housing are considered to be relevant:

- **HO P5** - Promote residential densities appropriate to its location and surrounding context.
- **HO O5** - Encourage increased densities that contribute to the enhancement of a town or village by reinforcing street patterns or assisting in redevelopment of backlands and centrally located brownfield sites.
- **HO O6** - Ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable residential development is achieved in all new developments.
- **HO P6** - Promote and support residential consolidation and sustainable intensification and regeneration through the consideration of applications for infill development, backland development, re-use/adaptation of existing housing stock and the use of upper floors, subject to the provision of good quality accommodation.
- **HO P7** - Encourage the establishment of sustainable residential communities by ensuring a wide variety of housing typologies and tenures is provided throughout the county.
- **HO O15** - a) Require that new residential developments provide for a wide variety of housing types, sizes and tenures; b) Specify target housing mixes, as appropriate, for certain sites and settlements as part of the Local Area Plan process; c) Require the submission of a 'Statement of Housing Mix' with all applications for 10 or more residential units; d) Require that all new residential developments in excess of 5 residential units provide for a minimum of 20%

universally designed units in accordance with the requirements of 'Building for Everyone: A Universal Design Approach' published by the National Disability Centre for Excellence in Universal Design. Further detail in respect of unit mix is set out in Chapter 15: Development Management Standards.

- **HO O16** - Promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood. Apartment development must be designed in accordance with the provisions of Sections 15.2, 15.3 and 15.4 (Chapter 15), where relevant, to ensure a high standard of amenity for future residents.
- **HO O36** - Support the provision of purpose-built student accommodation in appropriate locations and of appropriate design (including adequate communal facilities and external communal space), to meet demand for student housing in accordance with the National Student Accommodation Strategy.
- **HO O37** - Support increased supply of student accommodation in Maynooth, Kilcock, Leixlip and Celbridge to meet the anticipated student accommodation demand generated by Maynooth University. Applications for change of use from student housing to any other form of housing will be resisted without adequate demonstration that an over-provision of student housing exists.

Chapter 5 - Sustainable Mobility & Transport

Chapter 5 deals with 'Sustainable Mobility & Transport' and aims to promote and facilitate ease of movement by integrating sustainable land use planning and a high-quality integrated transport system. The following policies/objectives contained within this chapter are considered to be relevant:

- **TM O21** - Ensure site layout proposals detail present and possible future connections to pedestrian/cycle links and improve permeability between existing and proposed developments including adjacent developments thereby facilitating the '10-minute settlement' concept.
- **TM P10** - Balance the demand for parking against the need to promote more sustainable forms of transport, to limit traffic congestion and to protect the quality

of the public realm from the physical impact of parking, while meeting the needs of businesses and communities.

- **TM O111** - All non-residential development proposals will be subject to maximum car parking standards (and minimum cycle parking standards) and all residential development proposals in areas within walking distances of town centres (800 metres i.e. a 10-minute walk) and high-capacity public transport services (including but not limited to DART+ services, Bus Connects routes and any designated bus only/bus priority route) will be subject to maximum car parking standards (and minimum cycle parking standards) as a limitation to restrict car parking provision and achieve modal shifts to sustainable modes of transport.

Chapter 10 - Community Infrastructure and Creative Places

Chapter 10 deals with Community Infrastructure. The strategy outlined within this chapter requires, among other things, that services and facilities are provided in tandem with and during the early phases of new housing developments (e.g, shops, businesses, schools, childcare, recreational/sports areas, and community centres).

The following policies/objectives contained within this chapter are considered to be relevant:

- **SC O15** - Require that community facilities are provided in new communities on a phased basis in tandem with the provision of new housing or other large-scale developments. In cases where there is a deficiency of a certain type of infrastructure as part of the development proposal, the frontloading of such infrastructure will be required as part of the first phase of development and must be fully operational prior to the occupation of any residential unit on the subject site. Such deficiencies should be identified in the Social Infrastructure Audit prepared to accompany the planning application. Where the Planning Authority is not satisfied with the information supplied as part of the Social Infrastructure Audit or where inadequate measures are proposed to address any identified shortfalls in social infrastructure as part of a proposed development scheme, a planning application for new housing developments or large-scale developments may not be favourably considered.
- **SC O16** - Require residential schemes of 20 units or greater to submit a Social Infrastructure Audit which shall determine how the capacity of the assessed

infrastructure will be affected by the proposed increase in population. Where a deficit is identified, the developer will be required to make provisions/submit proposals to address such deficits.

- **SC O17** - (a) Require social infrastructure audits submitted in accordance with SC O15 of this Plan to include a map of educational, community, childcare, healthcare, sporting, and open space/play facilities within a 10-15 minute (800-1200 metre radius) walk of the proposed development. The audit should identify public / non-fee paying and private/fee paying facilities. Such audits may consider, where appropriate, services which are accessed by car. Capacities must be confirmed with supporting documentation submitted from service providers in order to verify the assessment as set out in the audit. (b) Include an assessment of the availability of or the provision of a new neighbourhood centre.
- **SC O79** - Ensure childcare provision is delivered in new communities prior to or in tandem with phase 1 of any residential or commercial development and is fully operational prior to the occupation of any residential units within the subject site.

Chapter 11 - Built and Cultural Heritage

Chapter 11 outlines a strategy regarding the protection/conservation/sensitive management of the built and cultural heritage of County Kildare and encourages sensitive sustainable development so as to ensure its survival and maintenance. The following policies/objectives contained within this chapter are considered to be relevant:

- **AH P6** - Protect, conserve and manage the archaeological and architectural heritage of the county and to encourage sensitive sustainable development in order to ensure its survival, protection and maintenance for future generations.
- **AH O21** - Protect the curtilage of protected structures or proposed protected structures and to refuse planning permission for inappropriate development that would adversely impact on the setting, curtilage, or attendant grounds of a protected structure, cause loss of or damage to the special character of the protected structure and/or any structures of architectural heritage value within its curtilage. Any proposed development within the curtilage and/or attendant grounds must demonstrate that it is part of an overall strategy for the future

conservation of the entire built heritage complex and contributes positively to that aim.

- **AH O23** - Require an Architectural Heritage Assessment Report, as described in Appendix B of the Architectural Heritage Protection, Guidelines for Planning Authorities (2011), to accompany all applications with potential for visual or physical impacts on a Protected Structure, its curtilage, demesne and setting. This report should be prepared by a person with conservation expertise that is appropriate to the significance of the historic building or site and the complexity of the proposed works.
- **AH O66** - Ensure that all planning applications for new developments within or immediately contiguous to an ACA include an Architectural Heritage Impact Assessment and Design Rationale addressing design considerations such as urban structure and grain, density and mix, scale, height, materials, landscape, views and landmarks and historic development.

Chapter 12 - Biodiversity and Green Infrastructure

Chapter 12 outlines a strategy for the protection/management/enhancement of the County's biodiversity and promotes the development of an integrated Green Infrastructure network across the County.

The following policies/objectives contained within this chapter are considered to be relevant:

- **BI O1** - Require, as part of the Development Management Process, the preparation of Ecological Impact Assessments that adequately assess the biodiversity resource within proposed development sites, to avoid habitat loss and fragmentation and to integrate this biodiversity resource into the design and layout of new development and to increase biodiversity within the proposed development. Such assessments shall be carried out in line with the CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine.
- **BI O2** - Require, wherever possible, the retention and creation of green corridors within and between built up urban areas and industrial scale developments to protect wildlife habitat value including areas that are not subject to public access.

- **BI O37** – Ensure the protection of rivers, streams and other watercourses and, wherever possible, maintain them in an open state capable of providing suitable habitats for fauna and flora while discouraging culverting or realignment. Endeavour to re-open previously culverted streams and watercourses through any future development/redevelopment proposals.
- **BI O70** – Ensure that the Green Infrastructure Strategy and Network identified in this County Development Plan and Local Area Plans is used to inform the development management process to ensure that new residential areas, business/ industrial development tourism and other relevant projects contribute towards the conservation and protection of Kildare’s habitats and species, and the protection, management and enhancement of the existing Green Infrastructure in terms of design, layout and landscaping.
- **BI O72** – Ensure that the design of new development does not cause fragmentation of the Green Infrastructure network.
- **BI P15** – Promote and support the development of Sustainable Urban Drainage Systems (SuDS) to ensure surface water is drained in an environmentally friendly way by replicating natural systems.

Chapter 13 - Landscape, Recreation and Amenity

This chapter seeks to protect manage/enhance Kildare’s landscape to ensure its unique landscape character areas, scenic routes or protected views are not impacted upon by development and support the future provision of high quality and accessible recreational facilities, amenities and open spaces.

The following objectives contained within this chapter are considered to be relevant:

- **LR O4** - Ensure that local landscape features, including historic features and buildings, hedgerows, shelter belts and stone walls, are retained, protected and enhanced where appropriate, so as to preserve the local landscape and character of an area.
- **LR O82** - Require the provision of good quality, well located and functional open space in new residential developments, including landscaping with native species and scale appropriate natural play areas to cater for all age groups.

- **LR O84** - Ensure that all development proposals include comprehensive landscaping schemes including trees, suitable to their environment and to require that the planting of same should either be carried out in full as part of Phase 1 for larger phased schemes or prior to the occupation of any units on the overall development site on all other schemes.
- **LR O96** - Support and facilitate the provision of a network of high quality, well connected and well located multifunctional public parks and open spaces throughout the county, while protecting and enhancing the environmental capacity and ecological function of these spaces, in order to aid the movement of biodiversity and people and to strengthen the overall Green Infrastructure network.

Chapter 14 - Urban Design, Placemaking and Regeneration

Chapter 14 outlines the County's strategy regarding the implementation of principles people-centred and design-led planning to deliver improved urban design and healthy placemaking outcomes across Kildare's settlements and pursuit of a Town Centre First approach.

The following policies/objectives contained within this chapter are considered to be relevant:

- **UD P1** - Apply the principles of people-centred urban design and healthy placemaking as an effective growth management tool to ensure the realisation of more sustainable, inclusive, and well-designed settlements resilient to the effects of climate change and adapted to meet the changing needs of growing populations including aging and disabled persons.
- **UD O1** - Require a high standard of urban design to be integrated into the design and layout all new development and ensure compliance with the principles of healthy placemaking by providing increased opportunities for physical activities, social interaction and active travel, through the development of compact, permeable neighbourhoods which feature high-quality pedestrian and cyclist connectivity, accessible to a range of local services and amenities.
- **UD O3** - Support and promote the '10-minute settlement' concept across all towns and villages in the county and require that all Local Area Plans incorporate policies and objectives that will assist in its implementation.

- **UD O11** - Comply with the provisions of the Guidelines for Planning Authorities on Urban Development and Building Heights (2018) by providing for the following.
 - (a) Support increased building height and densities in appropriate locations, as outlined in Table 14.4, subject to the avoidance of undue impacts on the existing residential or visual amenities.
 - (b) Utilising increased building heights to support mixed use development, including downsizing opportunities and residential units that facilitate an adaptable layout to suit long term changes in homeowner requirements.
 - (c) In mixed use schemes, development proposals shall include details of the sequencing of uses to enable the timely activation of supporting infrastructure and services. New development greater than 4 storeys will be required to address the development management criteria set out in section 3.2 of the Urban Development and Building Heights Guidelines (2018).

Section 14.6 seeks to provide for the delivery of high-quality design within Kildare's settlements by providing best practice guidance to assist key stakeholders in the integration of urban design principles from the conceptual stage of every development proposal. Table 14.2 provides an urban design standards 'checklist' which has been informed by the Urban Design Manual (2009), The RIAI Town and Village Toolkit (2019) and other design-based research.

Section 14.8 provides guidance in relation to urban design and building heights. In applying the Guidelines on Urban Development and Building Heights to a County Kildare Context, Table 14.4 states the following in the context of Town Centres and major towns as identified in the NPF and RSES: - *In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, town centres and major towns as identified and promoted for strategic development in the National Planning Framework and Regional Spatial and Economic Strategies, increased building heights of 6+ storeys may be appropriate. This would include all town centres as well as appropriate locations within the Key Towns of Naas (east of town centre in the vicinity of Corban's Lane/Friary Lane, except for sites in close proximity to St. David's Castle) and Maynooth (immediately outside the historic core and on sites associated with Maynooth University and St. Patrick's College, close to the canal and rail line).*

Chapter 15 - Development Management Standards

Chapter 15 comprises development management standards for various forms of development. Section 15.3 advocates for a collaborative/multi-disciplinary approach to achieving high quality urban design and placemaking outcomes and identifies design statements as a vital tool in this regard.

Section 15.4 addresses housing and Section 15.4.1 states that applications for residential development in urban areas will be required to comply with the principles of compact growth and demonstrate that they will contribute to the overall consolidation of the settlement.

Section 15.4.11, pertaining to Purpose Built Student Accommodation, outlines that in considering a planning application for student accommodation the Council will have regard to:

- The location of the site and its appropriateness in relation to accessibility to the educational facilities.
- The proximity of the site to existing or planned public transport corridors and active travel routes.
- The pattern and distribution of student accommodation in the locality. In this regard an overconcentration of such schemes in any one area with the exception of on-campus facilities will be resisted.
- Terms of occupation (e.g., term-time for students and short let during academic holiday period) or any alternative uses outside of the academic year. The provision of documentary evidence that all occupiers will be students registered with a third-level institution during the academic year will be required.
- Details on how the scheme will be professionally managed including details of the on-site management team, security and monitoring, and how anti-social behaviour will be addressed.
- Demonstrate how the scheme will integrate with and complement the wider local community.
- Demonstrate that the design and layout would not impact on the amenities of the area. The external layout, including any necessary security arrangements, should be designed to avoid isolating developments from the surrounding community.

- The standard of accommodation (bedrooms, bathrooms, communal facilities and amenities, open space).
- The level and quality of on-site facilities, including storage facilities, waste management, cycle storage, leisure facilities, car parking and amenity.
- The architectural quality of the design and external layout, with respect to materials, scale, height, and relationship to adjacent structures.

Sections 15.7.2 and 15.7.8 outline the following parking standards for cycle parking and car parking outlined in relation to student accommodation units, apartments, retail units and childcare facilities, respectively:

Land Use	Maximum Car Parking Provision	Minimum Bicycle Parking Provision
Student Accommodation	Authority on a case-by-case basis	1 space per bedroom + 1 visitor space per 5 bedrooms
Apartment	1.5 spaces per unit + 1 visitor space per 4 apartments	1 space per bedroom + 1 visitor space per 2 apartments
Retail (Convenience)	1 per 20sqm gross floor area	1 space per 40 sqm gross floor area or 1 space per 2 car spaces, whichever is greater
Crèche	0.5 per staff member plus 1 per 4 children	1 space per 5 staff + 1 space per 10 children
Gymnasium / Recreation Centre	1 per 15sqm gross floor area	1 space per 50sqm gross floor area

In the context of open space provision, Section 15.6 requires that Towns in Kildare provide a minimum of 2.5 hectares of Open Space per 1,000 of population which should include both formal and informal open spaces. Further to this, Section 15.6.6 outlines the following requirement in the context of public open space for residential development (not on greenfield or institutional sites): - 15% of the total site area, which may include Natural / Semi-Natural Green Spaces incorporating native species/pollinator friendly areas up to a maximum of 6%.

6.3.3. **Maynooth Local Area Plan 2013-2019, as amended**

The Maynooth Local Area Plan 2013-2019 came into effect on 26th August 2013 and the plan as amended came into effect on 5th November 2018. As no motion was passed to extend the life of this plan, as required under Section 19 of the Planning and Development Act, 2000 (as amended), it expired in 2019.

6.3.4. **Maynooth and Environs Joint Local Area Plan 2025–2031**

The Maynooth and Environs Joint LAP 2025-2031, as prepared by Kildare and Meath County Councils, was adopted by the Elected Members of the Clane-Maynooth Municipal District on 17th February 2025 came into effect on 1st April 2025. Therefore, it is the operative local area plan for the purposes of this application determination. The Joint LAP is the key statutory planning document setting out an overarching strategy to guide and manage the proper planning and sustainable development of Maynooth and Environs over the life of the plan.

Land Use Zoning

The subject site is subject to 2 no. land use zoning objectives in the Maynooth and Environs Joint Local Area Plan 2025–2031. The majority of the subject site is zoned ‘J – Student Accommodation’ with a stated objective to *‘provide for high-quality, professionally managed, purpose-built undergraduate and graduate student accommodation.’* The Land Use Zoning Objectives Table included in Table 11.7, notes the following in the context of this zoning objective: - *‘development proposals shall comply with Section 15.4.11 of the Kildare County Development Plan 2023-2029. Ancillary uses will only be permitted when subsidiary to the primary use being for student accommodation’.* Along the eastern and northern boundaries, a small area is zoned ‘F - Open Space and Amenity’ with a stated objective to *‘protect and provide for open space, amenity and recreation provision.’*

Other Relevant Sections/Policies

Section 3.2.2 outlines the Housing and Population Allocation for Maynooth (County Kildare) during the life of this Joint Plan. Table 3.2 outlines a housing unit target of 1,329 and an additional population target of 3,656 persons for Maynooth (Co. Kildare) to the end of Q4 2030. Table 5.5 outlines a residential density range of 50-150 dpha in the context of Centre and Urban Neighbourhood within Maynooth.

Table 5.5 outlines a range of densities, informed by the recently adopted Sustainable Residential Development and Compact Settlements Guidelines (2024), applicable to Maynooth. In the context of Centre and Urban Neighbourhood locations within the settlement, a density range of 50-150 dpha is outlined.

Table 7.1 and corresponding Map 7.1 outlines a series of Movement and Active Travel Permeability Measures. In the context of the subject site, the eastern part of the site is earmarked for an active mode link (Ref. No. PERM 51) leading on from Lyreen Avenue and proximate to the sites southern corner, an active mode bridge (Ref. No. PERM 53) is proposed over Lyreen River at Pound Park, both to be provided in the medium term. Further to this, Table 7.4 and corresponding Map 7.3, seeks to introduce junction priority at the junctions of Lyreen Avenue - Moyglare Road and Lyreen Avenue – Dunboyne Road and installation of one direction bus priority route along Lyreen Avenue (Ref. No. PT 3) and a new bus priority route on Moyglare Road from the junction of Lyreen Avenue to Mill Street with installation of priority junction arrangement at pinch point (Ref. No. PT 4).

Infrastructure and Environmental Services – Strategic Flood Risk Assessment Map (Map Ref. 10.2) places part of the subject site (along the northern and eastern boundaries) within Flood Zone A – 1% AEP.

The following specific objectives are outlined in the context of Student Accommodation:

- **HCO 11.1** - Support the provision of high-quality, professionally managed, purpose-built undergraduate and graduate student accommodation, preferably on campus, or alternatively in accessible locations adjacent to existing or planned high quality public transport corridors and cycle routes. Such accommodation should be developed in a manner which respects the residential amenities of the locality and does not impact negatively on the provision of other uses (including retail, commercial and general residential development) within Maynooth Town Centre.
- **HCO 11.2** - Support the provision of new on and off-campus student accommodation in appropriate locations where high levels of design quality is achieved (including adequate communal facilities and external communal space). Where sites are developed for student accommodation, the portion of the site

relating to this will be exempt from the social and affordable housing requirements of Section 96(1) of the Planning and Development Act 2000 (as amended).

- **HCO 11.3** - Restrict applications for change of use from student housing to any other form of housing without adequate demonstration that an over-provision of student housing exists.

The following more general objectives are also considered relevant:

- **HCO 2.2** - Require a high standard of urban design to be integrated into the layout and design of all new residential development in Maynooth and ensure compliance with the principles of healthy placemaking by integrating opportunities for physical activities, social interaction and active travel, through the creation of compact, permeable developments which feature high-quality pedestrian and cyclist connectivity.
- **CCSO 1.1** - Support and facilitate compact growth development in Maynooth through the adoption of a quadrant-based planning approach to implementing the 10-minute settlement principle in the town. Such an approach shall seek the realisation of an integrated network of well-designed neighbourhoods that can meet the day-to-day needs of residents within a 10-minute walk of all homes in Maynooth. Quadrant-based planning also supports the sustainable intensification and consolidation of the town centre and established residential, commercial and employment areas.
- **HCO 6.1** - Support and facilitate the delivery of public parks on 'F: Open Space and Amenity', 'S: Carton Avenue', 'SR(1): Strategic Reserve', and 'H1: High Amenity' zoned lands at the following locations:
 - Lands at Carton Avenue.
 - Lands along the Lyreen and Rye Water Rivers.
 - Lands within the Railpark Key Development Area.
 - Lands within Maynooth West.
- **MATO 2.1** - Support and promote the use of sustainable active transport modes in Maynooth and seek to implement a connected network of active travel infrastructure in the town as detailed in Tables 7.1, 7.2 and 7.3 and illustrated on Maps 7.1 and 7.2, in conjunction with the National Transport Authority, and other

relevant stakeholders including Transport Infrastructure Ireland where interactions with the national road network occur. The indicative measures will form the basis for individual projects. Each project will be subjected to a detailed design process, including environmental and/or ecological assessment, where applicable. All measures shall incorporate nature-based surface water management drainage solutions.

- **IO 3.2** - Ensure development proposals within the areas where Kildare County Council and Meath County Council have applied a Justification Test and where residual flood risk remains as outlined on the Strategic Flood Risk Assessment Map (Map 10.2) are the subject of a Site-Specific Flood Risk Assessment, appropriate to the nature and scale of the development proposed.

7.0 Statements Submitted by the Applicant

7.1. Statement of Consistency

- 7.1.1. The applicant has submitted a Statement of Consistency with planning provisions, as per the provisions of Section 8(1)(iv) of the Act of 2016. This document indicates how the proposal is consistent with the policies and objectives of the previous Kildare County Development Plan 2017-2023, the Maynooth Local Area Plan 2013–2019, the DRAFT Kildare County Development Plan 2023-2029 and other regional and national planning policies, including Section 28 guidelines. This has been examined and noted.
- 7.1.2. As noted in Section 6.0 above, the Kildare County Development Plan 2023-2029 and the Maynooth and Environs Joint Local Area Plan 2025–2031 are the applicable plans for the development site.

7.2. Material Contravention Statement

- 7.2.1. The applicant submitted a Material Contravention Statement. The statement provides a justification for the material contravention of the Maynooth Local Area Plan 2013-2019 in relation to:

1. Density (Table 11); and
2. Apartment Developments (Policy QH 19).

The Kildare County Development Plan 2017-2023 in relation to:

3. Building Height (Section 17.2.1);

4. Plot Ratio (Section 17.2.3);
5. Separation Distances/Overlooking (Section 17.2.4); and
6. Parking Provision (Section 17.7.6).

And the DRAFT Kildare County Development Plan 2023-2029 in relation to:

7. Parking Provision (Section 15.7.8);
8. Plot Ratio (Section 15.2.2);
9. Separation Distances (Section 15.2.3); and
10. Universal Design (Policy HO O16).

*(I note both the Kildare County Development Plan 2017-2023 and Maynooth Local Area Plan 2013-2019 have expired and are no longer operational plans for the County. The relevant Plans are the Kildare County Development Plan 2023-2029 and the Maynooth and Environs Joint Local Area Plan 2025–2031).

7.2.2. Should the Board consider material contraventions to arise, within this statement the applicant sets out their rationale to justify granting permission, including the Sustainable Residential Development in Urban Areas Guidelines, the Building Heights Guidelines and the Apartment Guidelines.

7.2.3. In conclusion, the applicant asserts that the Board should grant permission for this Strategic Housing Development having regard to the provisions under subsections 37(2)(b)(i), (ii) and (iii) of the Planning and Development Act, 2000 (as amended).

8.0 Third Party Submissions

8.1. A third-party submission was received from Maynooth Community Council. The concerns raised therein are summarised below:

- This application signifies a sizeable reduction in student bed spaces from what was previously approved under the Mariavilla SHD application (ABP Ref. 301230).
- The design of the proposed student accommodation blocks, in Zone A in particular, is considered to be very low in quality and is unsensitive to the historic nature of Maynooth.

- The development of the greenway corridor adjacent to the Lyreen River/the development of the linear park is welcomed. It is asked that the linear park be completed without delay and that a condition, similar to that included in the Board's previous order for the SHD application, be included on any grant of permission to ensure delivery of the pedestrian bridge over the River Lyreen.
- It is asked that consideration be given to planting linking native and edible hedgerow between the trees to create safe wildlife corridors and further increase the biodiversity value.

9.0 Planning Authority Submission

9.1. Planning Analysis and Recommendation

9.1.1. The Chief Executive's Report, in accordance with the requirements of Section 8(5)(a) of the Act 2016, was received by An Bord Pleanála on the 5th day of October 2022. The report includes a summary of the site location/description and proposed development, relevant planning history, the policy context, third-party and prescribed bodies submissions, an assessment of/recommendation regarding the proposed development, internal reports and elected member views. The CE Report's assessment is based on the Kildare County Development Plan 2017-2023 (incorporating Variation No. 1 adopted 29th June 2020), which was the Development Plan in force at the time the report was authored, and the Maynooth Local Area Plan 2013-2019.

9.1.2. The key planning considerations of the Chief Executive's Report are summarised below:

- Section 12.2.1 of the Maynooth Local Area Plan 2013-2019 sets out a density range of 30-50 units per hectare for the subject site. The resultant density of the proposed development is outside the density parameters of the LAP.
- With regards to housing mix, the proposed apartment development complies with the requirements of SPPR1 of the Apartment Guidelines.
- All units proposed to conform with the minimum standard requirements regarding floor area, internal space and amenity space outlined in Section 17.4.6 of the Kildare County Development Plan 2017-2023.

- The schedule of accommodation for apartments submitted indicates compliance with the relevant Apartment Guidelines requirements for unit sizes, storage, room sizes, and balcony areas.
- 40.6% of the site provides for public open space which is in excess of the 15% required in Section 17.4.7 of the Development Plan. In general, the Parks Department are satisfied with the proposed open space and landscaping, subject to conditions.
- The proposed creche is located in Phase 2 of the development. It is considered that should permission be granted by An Bord Pleanála, the creche should be delivered as part of Phase 1 of the development. This aspect of the proposed development is acceptable in principle and complies with the objectives of the development plan, which seek the provision of childcare services in tandem and in the vicinity of all new and existing residential development.
- The Ecological Impact Assessment and NIS accompanying the application have been reviewed. It is suggested that conditions be attached requiring that the mitigation measures outlined in these documents be carried out. As the proposed development is close to the Lyreen River, it is considered that lighting proposed by this development will have an impact on bat species as well removal of trees. It is therefore recommended that conditions be attached regarding the proposed lighting plan as well as bat box provision.
- All recommendations pertaining to tree retention, tree protection and tree works, as detailed in the Arboricultural Method Statement and Tree Protection Plan, should be implemented in order to ensure the protection of trees/hedges on the site.
- The Lyreen River flows along the site's eastern boundary, while the Crewhill Stream bounds the site to the north. A large area to the east the proposed development site is located in the OPW Eastern CFRAM fluvial high probability flood zone A associated with fluvial flooding along the Lyreen River. The application was referred to the Water Services Department and the Environment Section for assessment/comment and no objections have been raised by either.
- Car parking provision for the residential apartments is lower than the Development Plan requirements which is a concern. Revisions may be warranted to increase the level of car parking provided on site. The

Transportation Department, upon review of the application raised a number of concerns regarding the road layout, parking provision etc. Their concerns regarding the one way entry system are noted and it is considered that revisions can be made to allow two way access as recommended. The other issues raised our standard details and conditions should be included to address them should permission be granted.

- The proposed development was generally considered acceptable when assessed against the Urban Design Manual: A Best Practice Guide, 2009. However, a small number of concerns were raised in the context of the following:
 - the location of the proposed Part V units and the density for the overall Mariavilla development the density specified in the LAP.
- The proposed phasing is appropriate, however, as previously mentioned the creche should be delivered within Phase 1 of the development.
- Having regard to the policies/objectives in the National Planning Framework, the RSES, the Core Strategy of Variation No. 1 to the Kildare County Development Plan 2017-2023 and the Draft Kildare County Development Plan 2023-2029, which designates Maynooth as a Key Town, and the new residential/infill and community educational zoning objectives pertaining to the lands in the Maynooth Local Area Plan 2013-2019, it is considered that residential development is appropriate on the subject site.

Conclusion:

9.1.3. The Planning Authority conclude that the development would accord with the provisions of the Maynooth Local Area Plan 2013-2019. Accordingly, the Planning Authority recommend that permission should be granted for the proposed development, subject to 26 no. conditions. Notable conditions can be summarised as follows:

- **Condition No. 2(a)** – requiring the provision/completion of the proposed childcare facility in the first phase of development.
- **Condition No. 3** – relating to signage details associated with the proposed childcare facility and retail units.
- **Condition No. 6(b)** – relating to operating hours associated with the proposed childcare facility.

- **Condition No. 8** – relating to implementation of the mitigation measures outlined in the Ecological Impact Assessment and NIS, amendments to the proposed lighting plan and provision of bat boxes.
- **Condition No. 11** – requiring submission of a revised site layout indicating the following (in summary): - 5.5 metre wide internal estate roads, 2 metre wide footpaths, DMURS compliant lines of sight including at entrances, slow zone signage, incorporation of Road Safety Audit Stage 1 and 2 recommendations, parking space provision in accordance with Development Plan requirements, entry/exist roads accommodating two-way traffic, provision of loading bays, amended car parking space dimensions, ev charging point provision (including ones facilitating night-time charging), covered/secure/lockable cycle parking facilities, details of access from linear park at Block B3 to neighbouring Ladas Development, 3 metre wide shared footpath/cycle path, and revised corner radii/autotrack analysis for fire/refuse trucks.
- **Condition No. 13** – preparation of an Acoustic Design Statement, incorporating mitigation measures as required.
- **Condition No. 14** – preparation of a Stage 3 Road Safety Audit which considers the aforementioned site layout revisions.
- bored piling to be used during site clearance and construction.
- **Condition No. 17** – restricts surface water runoff discharge.
- **Condition No. 21** – outlines noise limits applying to construction activities.
- **Condition No. 22** – outlines noise limits applying to the operational phase.
- **Condition No. 24** - preparation of a Construction Phase Surface Water Management Plan in accordance with particular IFI publication.
- **Condition No. 25** – fire safety requirements.
- **Condition No. 26** – Uisce Éireann requirements.

9.2. Inter-Departmental Reports

9.2.1. Appendix A of the CE report includes copies of the reports received from internal departments in the context of the subject application. Their contents are summarised below:

- **Transportation & Public Safety Department (29/09/2022):** No objection, subject to conditions.
- **Water Services (16/09/2022):** No objection, subject to conditions.
- **Environmental Section (26/08/2022):** No objection, subject to conditions.
- **Housing Section (14/09/2022):** No objection, subject to conditions.
- **Parks Section (15/09/2022):** No objection, subject to conditions.
- **Architectural Conservation Officer (03/10/2022):** No comments to make.
- **Heritage Officer (26/09/2022):** No objection, subject to conditions.
- **Kildare Fire Service (22/09/2022):** No objection, subject to conditions.
- **Environmental Health Service (16/09/2022):** No objection, subject to conditions.

9.3. Elected Members

9.3.1. The proposed development was presented to the Elected Members from the Local Authority at a meeting held on 9th September 2022. In accordance with subsection 5(a)(iii) of the Act of 2016, the comments of the Elected Members arising from that meeting have been outlined as part of the Chief Executive's Report, in Appendix B. These comments can be summarised as follows:

- Concerns raised regarding shortfall in car parking provision.
- Possibility of overshadowing of Lyreen Lodge.
- Link across to the Lyreen Riverside Park needs to be ensured.
- There is a need for housing/accommodation in this area and Maynooth more broadly.
- The provision of the creche is very important and its delivery needs to be ensured.
- The retail units are small relative to the overall development. More ambitious shops/a cluster of shops should be considered.
- Quality of light issues as the internal spacing between the apartment blocks would cause dark corridors.

- Student accommodation proposed unsuitable for long term living, were it to be changed into other kinds of housing over time.
- The possibility of a wind tunnel being created between blocks was raised.
- Despite claims regarding high architectural standards, there are areas within the development which do not have universal access and design. Residents with disabilities would have difficulties accessing certain places throughout the development.
- A firefighting lifting platform was mentioned during the pre-application stage. Clarification is sought regarding its inclusion in the final development.
- Consideration of native planting was queried.
- Apartment blocks unsuitable for families and better suited for city accommodation.
- The height of buildings brings additional cost/management fees.
- It was queried whether the broader development had reached over 500 units and whether an EIAR would be required.

10.0 Prescribed Bodies

Uisce Éireann

Water connection is feasible without the need for upgrades and wastewater is feasible subject to infrastructure upgrades (2 no. options available in this regard: - 1. The upgrade of the Maynooth pumping station, construction of a new rising main to Leixlip and upgrade of c. 175m of to 600mm and 750mm sewers directly upstream of the Maynooth pumping station, to be completed by IW; and 2. Applicant to fund works to separate storm water from the combined system within the Maynooth pumping station catchment, as identified and agreed to by the Local Authority). Recommended that permission be granted subject to conditions.

Inland Fisheries Ireland

Report states that the site is located adjacent to a tributary of the Lyreen River, an important salmonid tributary of the River Ryewater, and that these catchments lie within the catchment of the River Liffey, a nationally important salmonid system. The report sets out that the developer must have regard to/implement:

- Salmonid waters constraints.

- Comprehensive surface water management measures.
- Precautions to ensure water quality is maintained.

All works to be carried out in line with regulations, best practice and guidance.

11.0 **Assessment**

The Board has received a planning application for a housing scheme under Section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act, 2016. Having examined the application details and all other documentation on file, including the Chief Executive's Report from the Planning Authority and all of the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

- Principle of Development.
- Density and Building Height.
- Design and Layout.
- Access, Traffic and Parking.
- Residential Amenity.
- Open Space and Ecology/Biodiversity.
- Infrastructure and Flood Risk.
- Built Heritage.
- Other Matters.

11.1. **Principle of Development**

Strategic Housing Definition

11.1.1. The proposed development would comprise a stated gross floorspace of 24,937sqm. Commercial floorspace, in the form of a 700sqm childcare facility and 2 no. retail units (occupying c. 329sqm), is proposed. I am satisfied that the 4,500sqm or 15% non-residential floorspace limitations set out in Section 3 of the 2016 Act would not be exceeded in the context of the proposed development, and I am satisfied that

the proposed mixed-use development, featuring 33 no. student accommodation units (260 no. bedspaces), 158 no. apartments, a childcare facility and 2 no. retail units, would come within the statutory definition of a 'Strategic Housing Development'.

Core Strategy/Land-Use Zoning Objectives

11.1.2. The site is located within the settlement boundary of Maynooth. The Core Strategy included in the Kildare County Development Plan 2023-2029 outlines a minimum housing unit target of 997 for Maynooth to the end of Q4 2028 (not factoring in the additional population allocation for Maynooth arising from the redistribution of NPF City and Suburbs allocation) and the Maynooth and Environs Joint LAP 2025-2031 outlines a housing unit target of 1,329/an additional population target of 3,656 persons for Maynooth (Co. Kildare) to the end of Q4 2030. The proposed development assists with the realisation of these housing allocation targets.

11.1.3. With regards to land-use zoning, the applicant lodged the subject application to An Bord Pleanála on the 11th of August 2022, prior to the Kildare County Development Plan 2023-2029 coming into effect on 28th January 2023 and the Maynooth and Environs Joint LAP 2025-2031 coming into effect on 1st April 2025. As outlined in the application material submitted, preparation of the application was informed by the Kildare County Development Plan 2017-2023 and the Maynooth Local Area Plan 2013-2019. Under the Maynooth Local Area Plan 2013-2019, the majority of the subject site was zoned 'C – New Residential/Infill' with a stated 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'* and a small part of the site (the north-western part) was zoned 'E - Community and Educational' with a stated objective to *'protect and provide for the development of community and educational facilities'*. Under the 'C – New Residential/Infill' land use zoning objective, as per the Land Use Zoning Matrix at Table 17, 'Residential Development' and 'Childcare/Crèche/Playschool' were 'Permitted in Principle' uses and 'Shop (Convenience)' was an 'Open for Consideration' use. Under the 'E - Community and Educational' land use zoning objective, 'Childcare/Crèche/Playschool' was a 'Permitted in Principle' use, 'Shop (Convenience)' was an 'Open for Consideration' use and 'Residential Development' was a 'Not Permitted' use.

11.1.4. In terms of current land use zoning, the majority of the subject site is zoned 'J – Student Accommodation' with a stated objective to *'provide for high-quality, professionally managed, purpose-built undergraduate and graduate student accommodation'* in the Maynooth and Environs Joint LAP 2025-2031. Under the 'J – Student Accommodation' land use zoning objective, as per the Land Use Zoning Matrix for lands in Maynooth (County Kildare) at Table 11.9, 'Student Accommodation' is a 'Permitted in Principle' use. The Zoning Matrix, included at Table 11.8, of the Joint LAP states that uses listed as 'Permitted in Principle' are generally acceptable, subject to compliance with those objectives as set out in other chapters of the Plan. These matters are considered in the subsequent sections of this report.

11.1.5. Under the 'J – Student Accommodation' land use zoning objective, 'Childcare Facility' and 'Shop – Convenience' are 'Open for Consideration' uses. In the context of 'Open for Consideration' uses, the Zoning Matrix states that such uses are *'not considered acceptable in principle in all parts of the relevant land use zone. However, such uses may be acceptable in circumstances where the Council is satisfied that the proposed use would not conflict with the general objectives for the zone and the permitted or existing uses as well as being in the interests of the proper planning and sustainable development of the area'*. Given their limited size relative to the overall development/the student accommodation component provided more specifically, I am satisfied that the proposed childcare facility and retail units would not conflict with the subject zone/the proposed student accommodation units. Further to this, the provision of such uses is in the interests of the proper planning and sustainable development of the area given they will benefit residents of the subject scheme as well as the immediately surrounding area more broadly. It is worth noting that a childcare facility and a retail unit were previously approved on this site as part of a larger Strategic Housing Development approved under ABP Ref. ABP-301230-18. In the context of the 'Shop – Convenience' land use, I note that Footnote No. 101 to Table 11.9 states that *'any retail unit shall be ancillary to the Student Accommodation land use zoning objective and serve the on-site student catchment only'*. Although they have direct frontage onto Moyglare Road/are accessible to persons outside of the development, I am satisfied that given their proximity to the proposed student accommodation units they will primarily serve the on-site student catchment and the active street frontage they provide to Moyglare Road is welcomed.

- 11.1.6. Turning my attention to the proposed apartments. Under the 'J – Student Accommodation' land use zoning objective, 'Residential unit' is categorised as a 'Not Normally Permitted'. The Zoning Matrix states that uses listed as such '*will not be permitted, except in very exceptional circumstances and where it can be demonstrated and justified that the development does not contravene Section 28 Ministerial Guidelines. This may be due to its perceived effect on existing and permitted uses, its incompatibility with the objectives contained in this Joint Plan or that it may be inconsistent with the proper planning and sustainable development of the area*'.
- 11.1.7. As will be elaborated upon in subsequent sections of this report, I am satisfied that the proposed development, and in particular the apartment block components, are consistent with Section 28 Ministerial Guidelines, including the Urban Development and Building Heights - Guidelines for Planning Authorities (2018); the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023); and the Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024). As will also be outlined, I am satisfied that the proposed apartment blocks compliment/will not have a negative effect on existing and permitted uses within the immediately surrounding area.
- 11.1.8. In the context of the criteria outlined in the Zoning Matrix regarding uses 'Not Normally Permitted', it is the matter of 'very exceptional circumstances' that I consider this matter hinges on. To my mind, due to the wording used the threshold for something constituting 'very exceptional circumstances' that would meritt the granting of permission is very high. I do not consider the proposed apartments would meet this threshold. While the aforementioned change in land use zoning provisions applying to the site that has occurred in the intervening period since lodgement could be considered an extenuating circumstance in the context of this proposal, I do not consider that this constitutes the 'very exceptional circumstances' as referenced in Zoning Matrix included at Table 11.9 (be it there is no definition of the meaning of this phrase in the Joint LAP). In addition, I consider the proposed apartments to be incompatible with the stated objective outlined in the context of the 'J – Student Accommodation' land use zoning objective which seeks to '*provide for high-quality, professionally managed, purpose-built undergraduate and graduate student accommodation*'. In preparing the Joint LAP, careful consideration has gone into the

provision of student accommodation within Maynooth and the zoning of land as 'J – Student Accommodation'. Section 5.5.9 Student Accommodation of the Joint LAP states that *'in order to secure the provision of student accommodation at appropriate locations within the town, the Joint Plan has included a specific land use zoning objective (J: Student Accommodation, Map 11.1) which provides for the development of professionally managed, purpose-built undergraduate and graduate student accommodation on three sites within the town. One site is located within St Patrick's College campus and the other two are located in the adjacent to the Moyglare Road to the east of Maynooth University.'* To permit apartments at the subject site would be incompatible with the objectives contained in this Joint LAP regarding student accommodation provision and therefore be inconsistent with the proper planning and sustainable development of the area. Further to this, the Land Use Zoning Objectives Table included in Table 11.7, also notes the following in the context of the 'J – Student Accommodation' zoning objective: - *'ancillary uses will only be permitted when subsidiary to the primary use being for student accommodation'*. In the context of this requirement, I note that the proposed apartment blocks are very clearly independent of the proposed student accommodation units.

11.1.9. Having regard to the foregoing, I consider proposed apartments to be a material contravention of the 'J – Student Accommodation' zoning objective and therefore to grant permission for this aspect of the application as submitted would be a material contravention of the Maynooth and Environs Joint LAP 2025-2031. I note this is a new issue which did not arise in the Kildare County Development Plan 2017-2023/the Maynooth Local Area Plan 2013-2019 and/or was not raised in submissions received in the context of this application. In light of this, the Board may wish to conduct a limited agenda Oral Hearing to afford the Applicant/Planning Authority the opportunity to make submissions on the same.

11.1.10. Section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act, 2016, reads as follows:

(a) Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.

(b) The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.

(c) Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development.

11.1.11. Having regard to the provisions of Section 9(6), as the proposed apartments materially contravene the 'J – Student Accommodation' zoning objective applying to the majority of the subject site, the Board is precluded from granting permission for the proposed apartments on the subject site. The proposed apartments and associated car parking/open space areas comprise a very distinguishable/isolated component of the proposed development, due to both the shape of the subject site and the site layout/phasing proposals adopted. In light of this, I think opportunity exists for the proposed student accommodation units/retail units/childcare facility to be provided in the absence of the proposed apartments. Therefore, it is recommended that a split decision be issued granting permission for the proposed student accommodation units/retail units/childcare facility and refusing permission for the proposed apartments. The omission of the proposed apartments would address the issue of a potential material contravention of the 'J – Student Accommodation' zoning objective.

11.1.12. If the Board is of a mind to grant permission for the apartment component of the proposed development, as further information cannot be sought for an SHD application, and as it is a new issue which did not arise in the Kildare County Development Plan 2017-2023, the Maynooth Local Area Plan 2013-2019 or submissions received on the application, the Board may consider addressing it by way of a limited agenda oral hearing. This is a decision for the Board in line with Section 18 of the Planning & Development (Housing) Residential Tenancies Act, 2016.

11.1.13. Further to the discussion included on Paragraph 11.1.1, it is worth noting that in the absence of the proposed apartments, the development continues to fall within

the definition of a 'Strategic Housing Development' as it would continue to comprise a mixed-use development, featuring 33 no. student accommodation units (260 no. bedspaces), a childcare facility and 2 no. retail units. The statutory definition of a 'Strategic Housing Development' including the development of student accommodation units which, when combined, contain 200 or more bed spaces. In the context of the floorspace limitations set out in Section 3 of the 2016 Act, I am also satisfied that the 4,500sqm or 15% non-residential floorspace limitations would not be exceeded upon the floorspace associated with the apartment blocks being omitted from the calculation.

11.1.14. Turning my attention to the other land-use zoning objective applying to the subject site. The parts of site zoned 'F - Open Space and Amenity', which has a stated objective to *'protect and provide for open space, amenity and recreation provision.'* will accommodate areas of open space. This area is devoid of apartments/student accommodation unit/childcare facility structures. 'Park / playground' is listed as a 'permitted in principle' use under the 'F - Open Space and Amenity' zoning objective in the Land Use Zoning Matrix for lands in Maynooth (County Kildare) at Table 11.9.

Student Accommodation

11.1.15. As previously discussed in Section 6.3.4, the Maynooth and Environs Joint Local Area Plan 2025–2031 outlines a no. of specific objectives in the context of Student Accommodation. Further to this, the Land Use Zoning Objectives Table included in Table 11.7, notes the following in the context of the 'J – Student Accommodation' zoning objective: - *'development proposals shall comply with Section 15.4.11 of the Kildare County Development Plan 2023-2029.'* The student accommodation component of the proposed development is assessed against these policies/section below:

- The proposed student accommodation units are situated c. 150 metres east of Maynooth University Campus and so are appropriately located.
- The subject site is well served by public transport, located c. 800 metres north of the Maynooth Train Station and immediately adjacent to Bus Stop No. 8084, which is served by Bus Route No. W6, as well as being in close proximity to a no. of other bus stops as outlined in Section 2.0.

- Part of the Divine Word Missionaries Site, to the immediate west, currently features student accommodation units and has recently had permission granted (under Reg. Ref. 21/216) for the construction of 2 no. buildings accommodating a further 166 no. student bedrooms. Irrespective of this, I do not consider there to be an overconcentration of such schemes in this area. As previously discussed in Section 2.0, the area surrounding the proposed student accommodation units features a mix of residential, educational, sport/recreation and ecclesiastical land uses. It is worth noting that that permission was previously granted on the subject site (as part of a larger Strategic Housing Development) for 106 student accommodation units (483 no. bedspaces), a creche, retail units, a gym and a cafe under ABP Ref. ABP-301230-18. The subject proposal represents a marked reduction in the no. of student accommodation units originally permitted on the site.
- As discussed in the material accompanying the application, including the Planning Report and Statement of Consistency with Planning Policy and Student Accommodation Management Plan, the proposed student accommodation units will be occupied by students during the academic year. The applicant has indicated that outside of term time, it will be used for tourist and other visitor accommodation. The proposed use as visitor / tourist accommodation outside term time is in accordance with the definition of student accommodation provided under Section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act, 2016, and is therefore acceptable in principle. To ensure that all occupiers will be students registered with a third-level institution during the academic year, it is recommended that a suitably worded condition be attached to the Board's Order.
- The proposed scheme will be professionally managed, as outlined in the Student Accommodation Management Plan accompanying the application.
- As will be discussed in detail subsequently in Sections 11.2, 11.3 and 11.5, the design proposed development is considered appropriate from a building height and design/layout perspective and it will also respect the residential amenities of the locality. Given the proposed student accommodation blocks directly address their Moyglare Road and Lyreen Avenue frontages and given the open nature of the landscaping/boundary treatments proposed, I do not consider the

proposed student accommodation blocks to be isolated from the surrounding community. In addition to the proposed student accommodation blocks directly addressing their street frontages, the cycle/pedestrian paths and bridges and public open spaces areas featuring within the scheme will integrate the site with/enhance the wider local community.

- Upon review of the plans accompanying the application, I am satisfied that the bedrooms, bathrooms and communal facilities are appropriately sized/designed to provide a suitable level of residential amenity to residents of the proposed student accommodation units. In addition, residents will have access to the following internal amenities: - a gym; a yoga studio; study rooms; laundry facilities; a cinema; lounges; a parcel room/storage areas; and a multi-purpose student amenity space, provided across ground floor of the 3 no. proposed blocks. Further to this, residents will have access to 1,211sqm of external amenity space provided across 2 no. areas, one of which comprises a playing court, which are easily accessible from all 3 no. blocks proposed.

11.1.16. I am satisfied that the proposed student accommodation will make a positive contribution to this site. The development will meet the increasing demand for student accommodation on a site that is proximate to the university campus and accessible to the Maynooth Town Centre. This aspect of the proposed development is considered to be acceptable in principle on this basis.

11.2. Density and Building Height

11.2.1. In terms of residential land uses, the application proposes 33 no. student accommodation units and 158 no. apartments on a net landholding of 2.48ha. This equated to a density of 95.8 units per hectare if the student accommodation component of the development was to be excluded and 77 units per hectare if the same were to be included. In terms of building height, the proposed development is 2-7 storeys in height. More specifically, the proposed student accommodation blocks, located proximate to Moyglare Road, are 5 to 6 storeys; the proposed apartment blocks, located to the rear (east) of the site are 4 to 7 storeys; and the childcare facility proposed centrally is 2 storeys.

11.2.2. In terms of local planning policy, Table 5.5 featuring in the Maynooth and Environs Joint Local Area Plan 2025 - 2031 outlines a range of densities, informed by

the recently adopted Sustainable Residential Development and Compact Settlements Guidelines (2024), applicable to Maynooth. A density of 50-150 dpha is outlined in the context of Centre and Urban Neighbourhood locations within Maynooth. From a national planning policy perspective, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (Compact Settlement Guidelines), 2024, generally encourage compact/sustainable growth of urban centres and the promotion of higher densities in appropriate locations. Section 3.0 of these Guidelines provides a methodology for establishing residential density based on settlement and area types and having regard to accessibility and local character. Tables 3.1 to 3.7 of the Guidelines identify five settlements and four sub-areas to which density ranges are applied. Having regard to the subject sites proximity to Maynooth Town Centre, as well as the site comprising 'lands around existing or planned high capacity public transport nodes or interchanges' (as defined in Table 3.8) given the availability of public transport services in the immediate area, I consider the subject site falls within the category of 'Centre and Urban Neighbourhood'. Table 3.3, which outlines Areas and Density Ranges for Metropolitan Towns and Villages, states that within Metropolitan Towns (>1,500 population) – Centre and Urban Neighbourhood areas residential densities in the range of 50 to 150 dph (net) shall generally be applied.

- 11.2.3. Policy and Objective 3.1 of the Guidelines requires that that the density ranges are refined further at a local level using the criteria set out in Section 3.4 where appropriate. Section 3.4 goes on to outline a two-step refining process for calculating an appropriate residential density. Firstly, an appropriate density range is determined based on the site's location and level of accessibility within the applicable urban category. Secondly, a site-specific analysis in the context of character, amenity and the natural environment is undertaken to further refine the residential density appropriate for the site. 'Step 1' states that planning authorities should encourage densities at or above the mid-density range at the most central and accessible locations in each area, densities closer to the mid-range at intermediate locations and densities below the mid-density range at peripheral locations. Densities above the ranges are 'open for consideration' at accessible suburban and urban extension locations to the maximum set out in Section 3.3. Table 3.8 of the Guidelines outlines the accessibility criteria for a 'High Capacity Public Transport Node or Interchange',

an 'Accessible Location', and an 'Intermediate Location'. Lands that do not meet any of these proximity or accessibility criteria are classified as 'Peripheral'.

11.2.4. The application is accompanied by a Traffic and Transport Assessment Report which outlines the existing and planned public transport services in the area. In addition to this, I have had regard to available sources of information (TFI local link, Planning Authority, Bus Eireann and google maps) on existing and planned bus services (information correct as of the date of this report). There are 3 no. bus stops proximate to the subject site. Bus Stop No. 8084, served by Bus Route No. W6, is located to the front of the site on Moyglare Road; Bus Stop No. 103431, served by Bus Routes No. 115 and 115C, is c. 550 metres from the site; and Bus Stop No. 3981, served by Bus Routes No. 139, C3, C5, X25 and X26, is c. 650 metres from the site. Further to this, Maynooth Train Station is within c. 800 metres of the subject site. Given its proximity to these bus stops/station, the subject site would constitute 'lands around existing or planned high capacity public transport nodes or interchanges' in the context of the Table 3.8. In light of this, the proposed density is consistent with the 'at or above the mid-density range' recommended in the context of the 50 to 150 dpha density range outlined for Centre and Urban Neighbourhood areas within Metropolitan Towns and Villages.

11.2.5. Step 2 of the refining process, requires an assessment of whether the quantum and scale of development can integrate successfully into the receiving environment. It goes on to state that new development should respond to the receiving environment in a positive way and should not result in a significant negative impact on character, amenity or the natural environment. Relevant criteria are outlined for consideration which are discussed hereunder:

(a) Local Character – existing built form in the immediately surrounding area comprises a mix of residential, educational, sport/recreation and ecclesiastical buildings which vary in terms of architectural style, siting and building height. In terms of recently permitted developments in the surrounding area, I note that the development approved under Reg. Ref. 23/494 at lands adjoining/to the rear of Saint Mary's is 3-6 storeys in height and equates to a density of 109 dpha (more detail regarding this application features in Section 4.0). I consider that the proposed density is appropriate given the varied/emerging character of the surrounding area and represents efficient use of zoned/serviced land. The

appropriateness of the proposed development, in terms of design and layout, is provided in Section 11.3 of this report. In summary, it is considered that the proposed development will sit comfortably in the context of its immediate abutments and the surrounding area more broadly.

- (b) The southernmost part of the subject site is proximate to the Maynooth Architectural Conservation Area and Saint Mary's Catholic Church/Maynooth Parochial House, both of which are Protected Structures. As will be discussed in greater detail in Section 11.8 of this report, I do not consider the proposed development to have a negative impact on the adjacent Architectural Conservation Area or Protected Structures.
- (c) The proposed development will have limited potential impacts on the environment and protected habitats/species. This is considered further in Sections 11.6, 12 and 13 of this report and I acknowledge that appropriate measures have been incorporated to protect habitats and species on site.
- (d) The subject sites northern, southern and western boundaries are flanked by residential dwellings and estates. The appropriateness of the proposed development, in terms of residential amenity impacts, including privacy and daylight/sunlight, is provided in Section 11.5 of this report. In summary, it is considered that the development will not have an unreasonable impact upon the residential amenity of the surrounding properties. With regard to microclimate, the application was accompanied by a Wind Microclimate Modelling Assessment. It assessed possible microclimate effects arising from potential wind impacts associated with a proposed residential development and concluded that the proposed development would not introduce any critical impact on the surrounding buildings, or nearby adjacent roads, in this regard. I am satisfied with the findings contained therein.
- (e) The Uisce Éireann submission confirms that water and wastewater connections are feasible subject to infrastructure upgrades. It outlines that conditions should apply to any grant of permission. The matter of flood risk is considered in Section 11.7 of this report. In summary, upon review of the Strategic Flood Risk Assessment prepared in conjunction with the current Joint LAP and the Site-Specific Flood Risk Assessment accompanying the application, I am satisfied

that the proposed development will not cause/increase flood risk subject to the adoption of the mitigation measures outlined for the proposed development.

11.2.6. In completing the two-step density refining process, I consider the proposed residential density to be appropriate in this instance. This density can be absorbed at the site without causing a negative impact on existing residential and visual amenities.

11.2.7. In the context of building height, the Urban Development and Building Height Guidelines (2018) encourage increased building height/density in locations with good public transport accessibility and Specific Planning Policy Requirement 1 of the same removes any blanket policy with regard to building height. At a local planning policy level, Objective UD O11 included in Chapter 14 of the current Development Plan requires that the Building Height Guidelines are complied with and requires that new development greater than 4 storeys will be required to address the development management criteria set out in Section 3.2 of the same. Section 14.8 provides guidance in relation to urban design and building heights. In applying the Guidelines on Urban Development and Building Heights to a County Kildare Context, Table 14.4 outlines that increased building heights of 6+ storeys may be appropriate in the Key Towns including Maynooth.

11.2.8. I have examined the proposal in the context of the criteria contained in development management criteria set out in Section 3.2 of the Building Height Guidelines and note the following:

Section 3.2 Criteria: At the scale of relevant city/town

11.2.9. The first criteria under Section 3.2 of the Building Heights Guidelines relates to whether the site is well served by public transport with high capacity, frequent service and good links to other modes of public transport. My assessment above addressing the location of the proposed development with respect to appropriate densities, indicates that the site is currently well served by public transport. National and local policy recognises the need for a critical mass of population at accessible and serviced locations. I am satisfied that the site is well located and serviced with options to access existing high-frequency, high-capacity public transport routes, as well as increased access and connections available through more active modes of walking/cycling, and with an array of services and amenities within walking and cycling distance. Overall, I

am satisfied that the level of public transport currently available is of a scale that can support the resultant future population.

11.2.10. Point two under this part of the Section 3.2 criteria relates to the scale of the development and its ability to integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, the setting of key landmarks and the protection of key views. The subject site is proximate to the Maynooth Architectural Conservation Area and Saint Mary's Catholic Church and Maynooth Parochial House, both of which are Protected Structures. The proposed development's appropriateness in the context of these Protected Structures/ACA is assessed in more detail in Section 11.8 of this report. In summary, I have no objection to the proposed development in terms of potential impacts on the adjacent Architectural Conservation Area or Protected Structures.

11.2.11. The site is not within any designated historic landscape or subject to any development plan objectives relating to protected views or prospects. The application is accompanied by a Landscape and Visual Impact Appraisal which was informed by verified photographs and photomontages taken from 12 no. viewpoints within the surrounding area. With regards to the proposals potential impact in the context of Maynooth Town more broadly, views of the site from the wider area would not be significant/would be obscured by existing structures and trees/vegetation featuring on site/proximate as well as the sloping topography of the surrounding area. This is clearly illustrated by Verified Views and CGIs, more specifically verified photomontages prepared in the context of Viewpoints 3, 3A, 5, 6, 6A, 6B and 9. I would be of the view that the overall visual impact of the proposed development can be adequately absorbed at this location and would be acceptable in the context of the visual amenities/character of the area.

11.2.12. With regard to the contribution of the development to place-making and the delivery of new streets and public spaces, I note that there are limited opportunities regarding new street provision given the limited size and context of the subject site. The public open space/pedestrian and cycle paths provided adjacent at the rear of the site adjacent to the River Lyreen are positive features of the proposed development.

Section 3.2 Criteria: At the scale of District / Neighbourhood / Street

11.2.13. The bullet points under this section of the Building Heights Guidelines relate to how the proposals respond to the overall natural and built environment and contribution to the urban neighbourhood and streetscape, whether the proposal is monolithic in form, whether the proposal enhances the urban design of public spaces in terms of enhancing a sense of scale and enclosure, the issue of legibility through the site and integration with the wider urban area and the contribution to building/dwelling typologies available in the neighbourhood. In this regard, I note that the observation received on the application raised concerns about the design of the proposed development, in particular the proposed student accommodation blocks. They consider these blocks to be of low quality and unsensitive to the historic nature of Maynooth.

11.2.14. I consider the proposed development to make a make a positive contribution on balance to the urban neighbourhood and streetscape along Moyglare Road/Lyreen Avenue. The photomontages generated in the context of viewpoints 1, 2, 7, 8 and 8A provide views of the proposed development in the context of Moyglare Road and Lyreen Avenue. The proposed development would involve the redevelopment of a parcel of undeveloped land is currently being used as a construction compound/storage area associated with the larger Mariavilla redevelopment. The proposed development buildings of between 2 and 7 storeys, which are developed within c. 10 metres of Moyglare Road frontage and c. 11.5 metres of the Lyreen Avenue frontage (measured to road edge). The Landscape and Visual Impact Appraisal assesses effects/impacts on views from viewpoint 2 as 'moderate and neutral' and viewpoints 1, 7, 8 and 8A as 'important and neutral'. Although the subject proposal constitutes a substantive increase in building heights/scale when considering the site's existing characteristics, I do not consider that the proposed development would be excessively visually dominant in the Moyglare Road/Lyreen Avenue streetscapes at this location having regard to the varying built form featuring immediately adjacent and the transformation this section of Moyglare Road is currently undergoing. The subject site sits immediately south of the recently constructed Mariaville Residential Development, which features 3-storey duplex blocks and 4-storey apartment blocks immediately proximate to Lyreen Avenue/opposite the subject site, and immediately north of The Saint Mary's Church site on which 3-6 storey

apartment blocks have been permitted (under Reg. Ref. 23/494). The development will provide active uses and landscaping along the Moyglare Road street frontage. Given the limited contribution to the public realm the existing site currently makes, I consider the proposed development will have a positive effect on the subject site's presentation to Moyglare Road and Lyreen Avenue/the appearance of the area.

11.2.15. The proposed development features 7 no. blocks which adopt a juxtaposed position relative to each other in response to the site's irregular shape/frontage to the adjacent roads. This, as well as the varying heights/stepping down adopted in the context of the buildings proposed, reduces the overall massing/bulk of the proposed development. The massing of the proposed development is reduced further by way of the varying materials/finishes palette proposed. The topography across the site varies, the site falling by c. 3-8 metres in an easterly direction. The positioning/variation in building heights proposed provides an appropriate response in this regard. In my view, the visual impact has been appropriately dissipated in the context of the immediately surrounding area.

11.2.16. The requirements of 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities' (2009) have been complied with as part of the applicant's submission. The application is accompanied by a Site Specific Flood Risk Assessment which considers potential flood risk arising from the proposed development. The proposed development includes an area of public open space and a pedestrian/cycle path to the east of the proposed development which will enhance the Lyreen River frontage featuring proximate to the subject site.

11.2.17. With regard to the consideration of the criteria relating to legibility, the pedestrian and cycle path proposed to the rear of the site adjacent to the River Lyreen would also make a substantive positive contribution to the improvement of legibility in the wider urban area.

11.2.18. The proposal positively contributes to the mix of uses and dwelling typologies available in the neighbourhood, comprising a mixed-use development featuring student accommodation units, apartments, 2 no. retail units and a childcare facility.

Section 3.2 Criteria: At the scale of site / building

11.2.19. As per the Building Heights Guidelines, in relation to consideration at the scale of the site/building, I have considered in more detail in Section 11.5 the impact of

height on the amenity of neighbouring properties, including issues such as daylight, overshadowing, loss of light and privacy. I consider the form of the proposed development has been appropriately considered in this regard and issues in relation to overbearing/overlooking have been adequately addressed as part of the proposed development.

Section 3.2 Criteria: Specific Assessments

- 11.2.20. The proposed development is 2-7 storeys. I consider that, although the proposed buildings are significantly taller than the existing context of development, it is not an exceptionally tall building such as would be likely to give rise to an acceleration of wind speed or 'downdraft' effects. This is demonstrated in the Wind Microclimate Modelling Assessment accompanying the application.
- 11.2.21. The application is accompanied by a Telecommunication Impact Assessment, an Aeronautical Assessment Report, an Architect Design Statement, an Architectural Heritage Impact Assessment, an Ecological Impact Assessment Report, an Environmental Impact Assessment Screening Report and a Natura Impact Statement. I note the Ecological Impact Assessment Report has assessed the subject proposal's potential impacts on birds/bats, including the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.
- 11.2.22. I acknowledge that the proposed development would occupy an area of undeveloped land and would be visible within the surrounding streetscape. Notwithstanding this, considering the built form, scale, siting and materiality of the subject proposal and the existing site context, I am satisfied that buildings of the height proposed would sit comfortably in the context of the existing/emerging Moyglare Road streetscape and would have sufficient respect and regard for the established pattern/character of development in the streetscape.
- 11.2.23. Having regard to the foregoing, I am satisfied that the proposal represents a suitable form of new development at an appropriate density/height on zoned and serviced lands. It will integrate successfully into the receiving environment and will not result in a significant negative impact on character, amenity or the natural environment but rather make a positive contribution to the changing character of the area. In conclusion, in my view the proposal would be consistent with the local planning policy

and national guidance in this regard as well as the proper planning and sustainable development of the area.

11.3. Design and Layout

11.3.1. The 2.48Ha application site comprises an irregular shaped land parcel located to the north of Maynooth Town Centre. It is currently devoid of development, with the site having been used most recently for the purposes of a construction compound associated with the Mariavilla residential development immediately north. The proposed development comprises the construction of a mixed-use residential development, comprising of 33 no. student accommodation units and 2 no. retail units provided across 3 no. blocks in the westernmost part of the site, 158 no. apartments provided across 3 no. blocks in the easternmost part of the site and a 2-storey creche provided centrally, accessible via 2 no. existing junctions onto Lyreen Avenue. The following sections consider the suitability/appropriateness of the design and layout of the proposed development.

11.3.2. Chapter 4 of the Compact Settlement Guidelines focuses on planning and design at settlement, neighbourhood and site levels. Policy and Objective 4.2 states that *'it is a policy and objective of these Guidelines that the key indicators of quality urban design and placemaking set out in Section 4.4 are applied within statutory development plans and in the consideration of individual planning applications.'* An assessment of the proposed development against the stated 'key indicators of quality design and placemaking' is provided below/overleaf.

(i) Sustainable and Efficient Movement	<p>(a) The development includes permeability around and through the scheme. The proposed site layout has been designed to maximise permeability and connectivity to, through and from the site by foot and bicycle. The proposal ties in with existing cycle and pedestrian facilities featuring on Moyglare Road and Lyreen Avenue. The proposal also improves permeability within the surrounding area providing a pedestrian footbridge across the Crewhill Stream to the north of the site and providing foot/cycle paths along the site's eastern boundary proximate to the Lyreen River which ties in with the development approved on the St. Mary's Church site to the south and also facilitates the provision of a bridge across the Lyreen River.</p> <p>(b) The main site access / egress will be via 2 no. existing junctions onto Lyreen Avenue, while pedestrian/cyclist access will also be provided along the Moyglare Road frontage. As mentioned immediately above, the</p>
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	<p>pedestrian footbridge and foot/cycle paths provided as part of the development will improve connections within the wider area.</p> <p>As previously discussed in Section 11.2, the proposed development is well served by public transport.</p> <p>(c) The principal design guidance of DMURS has been considered in the design of the proposed development (the appropriateness of the proposal in the context of DMURS is discussed further in Section 11.4). A DMURS Compliance Statement accompanied this application, the proposed development seeks to prioritise pedestrian and cyclists throughout and around the site in accordance with the policies set out in DMURS.</p> <p>(d) The appropriateness of the quantum of car parking proposed is discussed in Section 11.4 of this report. In summary, I am satisfied with the car parking proposed as part of this development.</p>
(ii) Mix and Distribution of Uses	<p>(a & b) The development provides for a mix of student accommodation unit and apartment types in addition to a childcare facility and 2 no. retail units. The proposed student accommodation units and apartments also have access to a variety of internal amenities, as detailed in the table featuring in the Section 3.0. In light of this and in the context of the amenities available in the wider area, I am satisfied that the mix of uses provided on site is acceptable.</p> <p>(c) Policy pertaining to less central areas is not applicable.</p> <p>(d) The subject proposal involves a parcel of undeveloped land currently being used as a construction compound/storage area. Its redevelopment is consistent with the intensification sought in the context of urban areas.</p> <p>(e) As previously discussed in Section 11.2, the proposed development aligns with public transport services.</p> <p>(f) As outlined above, the proposal includes a mix of student accommodation unit and apartment types and is thus consistent with the diverse mix of housing sought. As discussed in Section 11.2, the proposed density is considered appropriate in this instance.</p>
(iii) Green and Blue Infrastructure	<p>(a & b) The Sustainable Residential Development and Compact Settlements <i>Guidelines for Planning</i> Authorities promote interlinked public open spaces designed to cater for a range of active and passive recreational needs (including play, physical activity and active travel) and to conserve and restore nature and biodiversity. The proposed development includes a no. of public open space areas, including one large public open space area adjacent to the northern/eastern boundary proximate to the Lyreen River. This large public open space integrates with existing trees/vegetation as well as providing new pedestrian/cycle paths adjacent to the river.</p>

	<p>The appropriateness of the proposed development in the context of ecology and biodiversity is discussed further in Section 11.6 of this report. In summary, the proposal is appropriate in this regard.</p> <p>(c & d) The proposed development incorporates SuDS features and components into the design as well as green roofs being proposed in the context of the buildings proposed.</p>
(iv) Public Open Space	<p>(a) Section 15.6 of the Development Plan sets out a requirement for 15% of the site to be provided as public open space in the context of residential development (not on greenfield or institutional sites). The scheme provides 10,101sqm (40% gross of site area) of public open space. Therefore, the quantum of public open space is acceptable and in accordance with the Development Plan.</p> <p>(b) The public open space proposed includes areas proximate to the Moyglare Road frontage/interspersed among the proposed buildings and a larger linear park provided adjacent to the Crewhill Stream and Lyreen River featuring along the site's northern and eastern boundaries, respectively. The proposed linear park is to integrate with public open space areas featuring to the north and south, forming a necklace of public open space areas adjacent to the Lyreen River. Further to this, it incorporates existing trees/vegetation currently featuring in this part of the site in addition to providing additional landscaping as well as foot/cycle paths. Further discussion on the appropriateness of the open space strategy adopted is included in Section 11.6. In summary, I am satisfied that public open space proposals are satisfactory in terms of both quantity and qualitative design.</p> <p>Provision is also made for 1,211sqm of external amenity space serving the proposed student units (provided across 2 no. areas, one of which comprises a playing court) and 2,388sqm of communal open space serving the proposed apartments.</p>
(v) Responsive Built Form	<p>(a & b) The Architectural Design Statement submitted with the application sets out clearly the overall architectural rationale and approach. The proposed development should be viewed in the context of the receiving environment. In the regard the proposals reflect the existing and emerging pattern of development in the area. A mix of student accommodation unit and apartments, as well as a childcare facility and retail units, are proposed in buildings that range from 2 to 7 storeys in height. Taller built form elements associated with Block A2, as well Block A1's prominent corner component have been positioned in the northernmost part of the site, creating a focal point at the key junction of Moyglare Road and Lyreen Avenue. Building height steps down elsewhere in response to lower rise buildings featuring on adjoining sites.</p>

	<p>(c) Regarding the impact on the overall urban structure. I am satisfied that the development proposals will strengthen and consolidate the urban structure and is reflective of the receiving environment and provides for further connection to the adjacent park lands and proposed residential developments to the south.</p> <p>(d) Proposed Blocks A1 and A2 are developed within close proximity of the Moyglare Road frontage, as well as Block A2 being directly accessible from this street frontage. This creates a well-defined edge to this street and ensures that the public realm is well-overlooked/has active frontage. Proposed Blocks B1, B2 and B3 adopt a staggered position relative to each other. This allows for appropriate overlooking of the public open space area/foot and cycle paths proposed to the east of these buildings proximate to the Lyreen River. Smaller public open space areas featuring in the northermost part of the site and proposed communal open space areas are all overlooked by adjacent student accommodation units and apartments.</p> <p>(e) In terms of architecture and urban design, the proposed development will be contemporary in design, adopting flat roof forms and brick and render facades, punctuated with windows dark-painted steel balustrades and fenestration, in terms of materials/finishes. The immediately surrounding area is varied in terms of building stock, architectural styles and materiality with re-development having occurred in the area in recent years (for example the Mariavilla Housing Estate to north) and residential developments proposed on the sites immediately south and west. I note the concerns raised in the third party submission in relation to the design (more particularly its quality/sensitivity to the historic nature of Maynooth) of the proposed student accommodation blocks. The student accommodation blocks are located in the northern part of the site fronting Moyglare Road and the intersection of Moyglare Road/Lyreen Avenue. Their primary differentiating feature from the apartment/childcare facility blocks proposed is the use of coloured windows/reveals in the context of some of the fenestration proposed. This provides a strong sense of identity and distinctiveness for these blocks. Although, they comprise a modern insertion in this section of Moyglare Road and are distinctly different from the more traditional buildings featuring on the adjacent Divine Word Missionaries site/wider Maynooth, I am satisfied that these blocks, and the development more broadly, will sit comfortably in the context of the Moyglare Road's varied streetscape.</p> <p>(f) A controlled palette of materials is proposed across the development of brick, render, steel balustrading and flat roofs which are efficient in terms of buildability and also for residents to maintain in the long term. I</p>
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	am satisfied that materials and finishes combined with the various built forms proposed are acceptable and would be significantly robust.
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11.3.3. In terms of Local Policy, Policy UD P1 of the current Development Plan seeks that the principles of people-centred urban design and healthy placemaking be adopted in order to achieve more sustainable, inclusive, and well-designed settlements. Objectives UD 01 and UD 03 seek to promote increased opportunities for physical activities, social interaction and active travel, through the development of compact, permeable neighbourhoods which feature high-quality pedestrian and cyclist connectivity, accessible to a range of local services and amenities and the '10-minute settlement' concept. Section 15.3 of current Development Plan requires that a design statement be prepared for residential development comprising of 10 or more units which outlines how the development proposal complies with the Urban Design Standards Checklist along with other relevant policy objectives. When the subject application was prepared, the Kildare County Development Plan 2017-2023 was the applicable Development Plan. Although Section 15.6 of the same outlined best practice principals (many of which are reflective of the headings included in the Urban Design Standards Checklist) intended to inform development, an assessment against these principals was not specifically required in the context of material to be submitted with planning applications. In light of this, the subject application was not accompanied by an assessment against the Urban Design Standards Checklist. It was however accompanied by a detailed Design Statement which discussed/assessed the proposed development under various headings/against various principles, including the 12 no. criteria outlined in the Urban Design Manual. Although not specifically referenced, I am satisfied that the principles referenced in the Urban Design Standards Checklist informed the proposed development.

11.3.4. Section 14.6 seeks to provide for the delivery of high-quality design within Kildare's settlements by providing best practice guidance to assist key stakeholders in the integration of urban design principles from the conceptual stage of every development proposal. Table 14.2 provides an urban design standards 'checklist' which has been informed by the Urban Design Manual (2009), The RIAI Town and Village Toolkit (2019) and other design-based research. An assessment of the proposed development against the stated 'checklist' is outlined overleaf.

Aspect of Urban Design	Urban Design Principle	Urban Design Response
Places for People / Enriching the Existing	Character	<p>Having regard to the suburban location and the varied nature of constructed development on the adjacent lands, the built form, massing and height of the development is consistent with the existing/emerging surrounding context. The design concept creates a coherent site strategy in response to the topographical and flood site constraints, with consideration of urban design parameters of streetscape, enclosure and passive surveillance. The schemes provides a series of small public and communal open spaces scattered among the proposed buildings as well as a larger linear park adjacent to the Crewhill Stream and the Lyreen River. These will create a unique landscape setting and amenity offer for residents of the development and the linear park will integrate with the area's wider green infrastructure network/benefit residents as well as the wider community.</p>
Working with the Landscape	Continuity and Enclosure	<p>Proposed Blocks A1 and A2 are developed within 10 metres of Moyglare Road frontage and 11.5 metres of the Lyreen Avenue frontage (measured to the road edge), thus providing a strong urban edge and active frontages along these interfaces.</p> <p>With regards to building line, the site is currently devoid of buildings. To the south of the site, the building featuring immediately adjacent on the Divine Word Missionaries site is set-back from its front boundary by c. 60 metres and the development approved further south on this site (under Reg. Ref. 21/216) is set-back 5.7 metres from Moyglare Road. To the north, the Mariavilla apartment blocks featuring proximate to the intersection of Moyglare Road and Lyreen Avenue adopts a set-back of c. 35 metres from its Moyglare Road frontage. The building line adopted is considered appropriate in this instance having regard to the varied building line featuring to the north and south of the subject site and the proposed development's presentation to Moyglare Road.</p> <p>Throughout the scheme, blocks orientate, overlook, and are accessed from the street and links which weave through the site. The buildings provide enclosure to a sequence of public spaces, deliver active frontages,</p>

		terraces and doorways which animate the streets and pathways, provide important passive surveillance to the public realm and linear park.
	Attractiveness / Variety	As discussed in the previous table, the positioning of the proposed buildings relative to each other/adjacent street frontages/public open space areas provides for an attractive layout and attractive buildings are achieved through the adoption of contemporary design and the use of high-quality materials/finishes, including brick and render facades, punctuated with windows dark-painted steel balustrades and fenestration. Although limited variety is proposed in the context of the built form typologies proposed, this is appropriate given the small-scale nature of the subject scheme and the variety of typologies featuring in the wider Mariavilla Residential Development the subject site originally formed part of. Further to this, the adoption of differing compositions of materials/finishes in the context of student accommodation blocks, apartment blocks and the childcare facility blocks, as well as building heights, maintains a level of interest across the development proposed.
	Quality of the Public Realm	I am satisfied that the quality of the public realm is acceptable. The public spaces as proposed are well distributed across the site. I am satisfied that public open space proposals are satisfactory in terms both quantity and qualitative design. The Daylight, Sunlight & Overshadowing Report accompanying the application illustrates and calculates that the proposed amenity areas assessed will comply with the recommended BRE Guidelines, achieving two or more hours of direct sunlight to between 86% and 100% of their areas on 21st March, which is in excess of the 50% recommended by the BRE Guidelines. Further to this, as outlined in the Architectural Design Statement the Landscape composition, including streets and footpaths, provides for movement by any person with mobility impairment, as per the requirements of Part M.
Making Connections	Ease of Movement	As evidenced from the material accompanying the planning application, the design and layout of the proposed development has been strongly influenced by the provision of pedestrian and cycle connections through the site. In this regard, the proposal provides extensive

		<p>pedestrian/cycle paths throughout the site, in particular in the eastern part of the site adjacent to the Lyreen River, and maintains the pedestrian bridge across the Crewhill Stream in the north of the site. It is envisaged that the pedestrian/cycle paths featuring to the east will tie in with adjacent developments and the bridge proposed across the Lyreen River (which is to link in with the Pound Lane Park) in the longer term.</p> <p>In terms of public transport access, the public open space area/pedestrian and cycle paths provided in the northern corner of the site proximate to the junction of Moyglare Road and Lyreen Avenue facilitate easy access to Bus Stop No. 8084, located to the front of the site. Further to this, the aforementioned cycle/pedestrian links provided through the site, will improve access to other bus stops featuring along Maynooth's Main Street.</p> <p>In the context of the car, the subject proposal utilises 2 no. existing vehicular access points off Lyreen Avenue which tie in with the wider road network featuring within the surrounding Maynooth area. I am satisfied that the proposed roads/parking layout has regards to DMURS, as will be discussed in greater detail in the subsequent sections of this report. The car parking areas are in close proximity to the proposed buildings which allows for ease of access among residents and those frequenting the commercial uses proposed.</p>
	Legibility	<p>As discussed in the previous table, Blocks A1 and A2, which incorporate taller built form elements/a prominent corner component, have been positioned at the key junctions Moyglare Road and Lyreen Avenue. This will provide a sense of identity and legibility to the scheme at this location. I am satisfied that the scheme will enhance the sense of place through the architecture, including variety of built forms and landscaping and that the development will create a legible and coherent urban structure which responds in a positive way to the established pattern and form of development.</p>
Mix of Uses	Diversity	<p>The development provides for a mix of unit types in addition to a childcare facility. In the context of the amenities available in the wider area, I am satisfied that the mix of uses is acceptable.</p>

Designing for Change / Sustainable Design	Adaptability	<p>The Architectural Design Statement states that the modular layout of the student accommodation provides opportunity for their future adaption and in the context of the residential development, the mix of units proposed allows for reconfiguration of the same to meet residents changing needs.</p> <p>The student accommodation and residential apartment buildings have been designed in accordance with the requirements of Part M. Further to this, the development also provides 9 no. accessible car parking spaces.</p>
	Environmental Sustainability	<p>The eastern park of the site will accommodate a linear park adjacent to the Lyreen River and the apartment blocks proposed have been staggered/adopted generous setbacks to allow for the retention/enhancement of existing trees/vegetation featuring in this part of the site currently. This linear park will tie in with public open space areas featuring on neighbouring sites to the north and south to further enhance Maynooths green infrastructure network as well as facilitating the creation of new wildlife habitats.</p> <p>As addressed elsewhere in this report, the proposed development has also had regard to existing the protection/enhancement of existing habitats. The application includes an Ecological Impact Assessment Report, a Bat Assessment, an Appropriate Assessment Screening Report, a Natura Impact Statement, an Environmental Impact Assessment Screening Report and a Statement in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001, as amended. I refer the Board to Sections 11.6, 12.0 and 13.0 of this report.</p>
	Climate Adaptation and Mitigation	<p>Further to the aforementioned green infrastructure, the proposed development includes, the proposal includes a no. of SUDs features, including green roofs, tree pits, bio-retention areas and permeable paving. Surface water runoff from the development will be attenuated to greenfield runoff rates (Qbar) in accordance with the Greater Dublin Strategic Drainage Study (GDSDS). The linear park featuring on site also provides cycle/foot paths adjacent to the Lyreen River which provide opportunities for active travel.</p>

		<p>The proposed buildings have also been positioned outside of Flood Zones A & B featuring on site, and raised above the 1%AEP flood event + 20% climate change.</p> <p>Further to this, as outlined in the Air Quality & Climate Summary Report accompanying the application, all residential units shall be designed/constructed in accordance with Part L and the design of the buildings shall incorporate a no. of features to reduce energy consumption, including the installation of exhaust air heat pump systems and photovoltaic cells installed on all roofs. In addition, the application was accompanied by a Building Lifecycle Report.</p>
Technical Issues	<p><u>Parking:</u> The application proposes 2 no. separate vehicular access and egress points off Lyreen Avenue linked by a one-way internal loop road flanking the site's northern boundary proximate to the proposed student accommodation blocks. This provides access to 154 no. car parking spaces in total assigned in the following manner: - 10 no. serving student accommodation blocks, 10 no. serving childcare facility staff, 6 no. serving childcare facility visitors, 2 no. serving the proposed ancillary gym, 16 no. serving the retail units, 106 no. serving the apartment residents and 4 no. serving visitors to the apartments. A car parking management regime will be implemented to control access to the 10 parking spaces associated with the student accommodation blocks. 10% of all car parking spaces are to have EV chargers installed and the remaining 90% will be ducted so that electric charging points can be retrofitted. This equates to a total of 15 no. EV car parking spaces.</p> <p>In addition, the proposed development will be served by 672 no. bicycle parking spaces in total assigned in the following manner: - 330 no. serving the student accommodation units (70 no. short stay spaces and 260 no. long stay spaces); 14 no. serving the childcare facility (10 no. short stay spaces and 4 no. long stay spaces); 8 no. serving the retail units; and 320 no. serving the apartments (80 no. short stay spaces and 240 no. long stay spaces).</p> <p>The Planning Authority's Transportation & Public Safety Department/ CE report raised concerns regarding the proposed access arrangements and parking provision. I refer the Board to Section 11.4 of this report which discusses the appropriateness of both in greater detail. In summary, I am satisfied with the access arrangements and car/bicycle parking provision proposed in this instance.</p> <p><u>Built & Cultural Heritage:</u> In terms of built heritage, the subject site is in close proximity to the Maynooth Architectural Conservation Area and 2 no. Protected Structures. The application is accompanied by an Architectural</p>	

	<p>Heritage Impact Assessment. I refer the Board to Section 11.8 of this report which discusses the appropriateness of the proposed development in the context of these Protected Structure/the ACA. In summary, I am satisfied that the proposed development will not detract from the character or the special interest of the same.</p> <p>In terms of recorded monuments/archaeological sites, the subject site is located approximately 230 metres north-west of field boundary (KD005-023) which comprises a recorded monument and 330 metres north-east of An Anglo-Norman castle (KD005-015) which is a National Monument in state guardianship (No. 485). The application is accompanied by an Archaeological Assessment which is informed by desktop and field assessments, as well as a geophysical survey (Licence Ref.: 17R0066)/archaeological testing (Licence Ref.: 17E0208)/subsequent archaeological monitoring associated with the wider Mariavilla site redevelopment (none of which revealed archaeological features or deposits within the subject site boundary). The report concluded as follows: - <i>‘as the proposed development area has been fully inspected from an archaeological perspective, no impacts are predicted as a result of the proposed development going ahead’</i> and it deemed archaeological mitigation unnecessary in the context of the proposed development. Having regard to the site’s distance from nearest sites of archaeological significance and the findings of the desktop analysis/previous surveys and testing within the development site boundary, I am satisfied with the conclusion reached and do not consider the inclusion of conditions pertaining to archaeology necessary in this instance. I note that the Planning Authority’s Heritage Officer raised no concerns regarding the proposed development from an archaeological perspective.</p> <p><u>Flood Risk:</u> A Site Specific Flood Risk Assessment accompanies the application. The assessment confirms that the development has been designed to include the 1% AEP storm event and a 20% allowance for climate change. I refer the Board to Section 11.7 of this report.</p> <p><u>Refuse:</u> Adequate provision is made for the storage and collection of waste. The application includes an Outline Operational Waste Management Plan.</p>
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Conclusion

- 11.3.5. The current Development Plan seeks to promote the concept of a 10-minute settlement focused on inclusive, diverse and integrated neighbourhoods served by a range of homes, amenities, services, jobs and active and public transport alternatives and requires that proposals for new development demonstrate how placemaking is at the heart of the development and how the development will contribute to the local

neighbourhood. This approach is generally consistent with the principles of the Compact Settlement Guidelines.

11.3.6. I have reviewed the proposed development against the criteria set out in the Compact Settlement Guidelines 2024 and the current Development Plan. On balance, I am satisfied that the design and layout of the development is acceptable and represents a well-designed housing development that integrates with its surroundings while incorporating green infrastructure features and maximising the potential for present and future connectivity. The scheme provides for opportunities for social interaction and the architectural design reflects an attractive mixed tenure scheme that will positively contribute to the creation of a sense of place and identity for the area. I am satisfied that the proposed development reflects consistency with the current Development Plan and Chapter 4 of the Compact Settlement Guidelines with respect to design, layout and placemaking standards.

11.3.7. I acknowledge that the proposed development would occupy a currently undeveloped land parcel and would be visible within the surrounding streetscape. Notwithstanding this, considering the built form, scale, siting and materiality of the subject proposal and the existing site context, I am satisfied that the proposed development would sit comfortably in the context of the existing/emerging Moyglare Road streetscape and would have sufficient respect and regard for the established pattern/character of development in the streetscape and wider area.

11.4. Access, Traffic and Parking

Access & Traffic

11.4.1. The application proposes 2 no. separate vehicular access and egress points off Lyreen Avenue linked by a one-way internal loop road flanking the site's northern boundary proximate to the proposed student accommodation blocks, the easternmost access point providing access to a two-way access road serving the proposed apartment blocks. The Planning Authority's Transportation & Public Safety Department, in their report (dated 29th September 2022), raised concerns about the one-way traffic flow into/out of Block A and recommended that the entry/exit roads into the development be revised to allow two-way traffic. In light of the feedback received from this Dept., one of the 26 no. recommended conditions (Condition No. 11) included in the CE Report issued in relation to the subject application, required among other

things that the layout be altered to provide 5.5 metre wide internal estate roads/entry and exit roads accommodating two-way traffic. I note the application was accompanied by a Traffic and Transport Assessment Report, DMURS Compliance Statement and a Stage 1 Road Safety Audit which among other things considered the suitability of the proposed vehicular and pedestrian/cyclist access points proposed, as well as resultant traffic generated.

11.4.2. In terms of the proposal's interface with/impact on the surrounding road network, the proposal utilises 2 no. existing access points off Lyreen Avenue that have been constructed on foot of the SHD development previously granted permission under ABP Ref. ABP-301230-18. I note that the applicable section of Lyreen Avenue is relatively straight and level and there are no particular constraints on the visibility to/from the existing junctions which are to be utilised. In terms of internal road network extending from these access points, the proposal adopts a similar road layout/one-way loop as previously utilised in the context of the aforementioned SHD development permitted under ABP Ref. ABP-301230-18. I do not share the concerns of the Planning Authority's Transportation & Public Safety Department regarding the one-way nature of the road layout proposed, particularly given the nature of the proposal the level of car parking provision/traffic generation associated with the scheme. As previously discussed, the application includes a State 1 Road Safety Audit and a DMURS Compliance Statement. It is worth noting that this Stage 1 Road Safety Audit did not raise any issues regarding the one-way system proposed or the 2 no. existing access points off Lyreen Avenue utilised. Having regard to the foregoing, it is my view that the proposed development will not endanger public safety by reason of traffic hazard and that a good quality and safe street environment will be provided for residents of the proposed development. I am satisfied that the proposed development has been designed having appropriate regard to DMURS.

11.4.3. There is one further matter that requires consideration in the context of the proposed development's access arrangements – the pedestrian/cycle infrastructure proposed as part of the subject development. The subject proposal includes the repositioning of a pedestrian bridge featuring along the site's northern boundary, originally permitted under ABP Ref. ABP-301230-18, which in turn ties in with a 3-metre-wide cycle/pedestrian path extending along the site's eastern and northern (in part) boundaries. In terms of the repositioning of the pedestrian bridge, it is proposed

to move the bridge c. 40 metres further west. This constitutes a minor modification from the previously approved layout in this regard and is acceptable in my view. The provision of the proposed cycle/pedestrian path is consistent with the active mode link (Ref. No. PERM 51) sought adjacent to the Lyreen River by the Maynooth and Environs Joint Local Area Plan 2025–2031 and is a welcome feature of the proposed development. To ensure that this path successfully integrates with the cycle/pedestrian path associated with the development recently approved to the immediate south, under Reg. Ref. 23/494, it is recommended that a condition be attached to the Board's Order requiring that details of the proposed cycle/pedestrian path be agreed with the Planning Authority.

11.4.4. With regards to pedestrian/cycle infrastructure, I note that the third-party submission received on the application welcomed the proposed provision of the greenway corridor/linear park adjacent to the Lyreen River. In the context of their provision, they asked that a condition, similar to that included in the Board's previous order for the SHD application, be included on any grant of permission to ensure delivery of the pedestrian bridge over the River Lyreen. The condition referenced by the observer is Condition No. 29 of the Board's Order pertaining to ABP Ref. ABP-301230-18, which required that the developer pay a special contribution under Section 48(2)(c) of the Planning and Development Act, 2000 (as amended), in respect of a pedestrian connection bridge over the Lyreen River from the applicant's site to Pound Park in accordance with the policies of the Maynooth Local Area Plan 2013-2019 including policy AR11. Given that the Maynooth and Environs Joint Local Area Plan 2025–2031 continues to seek the provision of an active mode bridge (Ref. No. PERM 53) over Lyreen River at Pound Park (i.e. proximate to the southern corner of the site), I recommend a similar condition in this instance. Therefore, if the Board is minded to grant permission, it is recommended that a similarly/suitably worded condition be attached to the Board's order requiring payment of a special contribution.

11.4.5. With regards to traffic generation arising from the proposed development, the Traffic and Transport Assessment Report accompanying the application considers the potential impact of vehicular traffic associated with the proposed development. It was informed by traffic generation estimates for the subject development and third party committed development (prepared using TRICS software), as well as traffic turning movement surveys of applicable nearby junctions (undertaken in May 2022), including:

- Moyglare Road/Lyreen Avenue, Dunboyne Road/Lyreen Avenue, NUIM Access/Moyglare Road, Dunboyne Rd/Castle Park and the proposed site access. In carrying out their assessment, DBFL Consulting Engineers firstly ascertained the base conditions for both the weekday AM and weekday PM Commuter Peak period and then applied TII-recommended annual traffic growth factors to calculate opening and design year traffic conditions. I am satisfied with the approach taken in this regard. This assessment concluded that the proposed Development *'will not result in a material deterioration of local road traffic conditions along the Moyglare Rd nor Dunboyne Rd corridor'*. It also deemed the proposed site access priority-controlled junction arrangement is more than adequate to accommodate the predicted traffic movements associated with the subject development proposals. In the CE Report received from Kildare County Council, no objection to the proposed development was raised in the context of traffic generation. Upon review of the information submitted with the application, I am satisfied that the traffic that would be likely to be generated by the proposal would be capable of being accommodated on Lyreen Avenue and Moyglare Road and would not have an unreasonable impact on nearby junctions. In my view, there is sufficient capacity to accommodate the proposed development, and I am satisfied that significant traffic congestion or risks to road safety in the wider area would not be likely to arise from the proposed development.

Parking

- 11.4.6. The proposed development will be served by 154 no. car parking spaces in total assigned in the following manner: - 10 no. serving student accommodation unit staff and visitors/maintenance and servicing companies attending the student accommodation blocks, 10 no. serving childcare facility staff, 6 no. serving childcare facility visitors, 2 no. serving the proposed ancillary gym, 16 no. serving the retail units, 106 no. serving the apartment residents and 4 no. serving visitors to the apartments. The Planning Authority's Transportation & Public Safety Department raised concerns about the proposed car parking provision, considering it too low, and recommended that car parking provision be revised to increase the no. of spaces provided. In light of this, the Chief Executive's Report went on to recommend the inclusion of Condition No. 11 which among other things required increased car parking provision. Section 15.7 of the Kildare County Development Plan 2023-2029 specifies maximum car parking provision and minimum cycle parking provision rates for various development

types. I note that the applicant has highlighted a potential material contravention in relation to the car parking requirements outlined in the Kildare County Draft Development Plan 2023-2029 (which I note are the same as those outlined in the Development Plan subsequently adopted). Section 15.7.8 of the adopted Development Plan clearly states that the maximum car parking standards outlined are not ‘*targets*’ and that lower rates/car-free developments are open to consideration. Accordingly, I do not consider that there would be a material contravention of the current Development Plan in respect of car parking. Irrespective of this, in the intervening period since the adoption of the Development Plan, the current Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024) have been introduced. The Specific Planning Policy Requirements outlined in this document take precedence over conflicting Development Plan objectives where applicable.

11.4.7. Turning my attention firstly to the proposed student accommodation units, retail units, childcare facility, and ancillary gym. I am satisfied with the car parking provision for the proposed student accommodation blocks. Having regard to the site’s proximity to Maynooth University Campus/Maynooth Town Centre, the public transport services proximate to the subject site and the 2 no. loading bays provided proximate to the student accommodation units, the non-provision of car parking spaces to serve residents of the proposed student accommodation units is considered appropriate in this instance. The 16 no. car parking spaces proposed to serve the retail units comply with current Development Plan requirements.

11.4.8. The level of car parking proposed to serve the proposed childcare facility falls short of the current Development Plan requirements. However, I consider the quantum of car parking provided to be appropriate in this instance as this facility is being provided mainly to serve the residents of the Mariavilla residential development to the immediate north, approved under ABP Ref. ABP-301230-18. It is therefore envisaged that parents/carers will walk or cycle for the majority of drop-offs to/pick-ups from this facility and for those instances where a car is utilised car parking provided is considered sufficient. The proposed gym is to be served by 2 no. car parking spaces which also falls short of the requirements of the current Development Plan. Similarly, I consider this appropriate in this instance as the gym is ancillary to the proposed student accommodation units and most persons frequenting it will be residents of the

same. Upon review of the plans accompanying the application, I am satisfied that the proposed car parking spaces are appropriately sized (complying with the applicable DMURS requirements) and conveniently located proximate to the proposed student accommodation units, retail units, childcare facility and ancillary gym.

11.4.9. In terms of cycle parking provision, the proposed development will be served by 672 no. parking spaces in total assigned in the following manner: - 330 no. serving the student accommodation units (70 no. short stay spaces and 260 no. long stay spaces); 14 no. serving the childcare facility (10 no. short stay spaces and 4 no. long stay spaces); 8 no. serving the retail units; and 320 no. serving the apartments (80 no. short stay spaces and 240 no. long stay spaces). Section 15.7.2 of the Kildare County Development Plan 2023-2029 specifies minimum bicycle parking provision rates. Cycle parking provision for the proposed student accommodation units and retail units complies, and in fact slightly exceeds the Development Plan's minimum requirements in the context of the proposed student accommodation units. From a qualitative perspective, these cycle parking spaces are considered to be appropriately located in terms of shelter, accessibility and passive surveillance. The proposed gym does not have designated cycle parking spaces assigned to it. This is appropriate in this instance as persons frequenting it will be residents within the subject student accommodation units and they have access to sufficient cycle parking spaces as previously discussed, some of which are positioned immediately adjacent to the ancillary gym. The quantum of cycle parking proposed to serve the proposed childcare facility falls short of the current Development Plan requirements. As previously discussed, it is envisaged that the majority of infants/children attending this facility will arrive/depart by foot or bicycle. Therefore, the adequacy of cycle parking provision is particularly important in the context of this component of the proposed development. Therefore, it is recommended that a condition be attached requiring that bicycle parking provision for the proposed childcare facility be increased to comply with the current Development Plan requirements.

11.4.10. Although I am recommending that the apartment component of the proposed development be refused, for the reasons previously discussed above, I consider it appropriate to assess its suitability in terms of car and bicycle parking provision to allow a comprehensive assessment of the proposal by the Board. Section 15.7 of the Kildare County Development Plan 2023-2029 specifies maximum car parking

provision and minimum cycle parking provision rates for various development types, including in relation to residential units. As previously discussed, in the intervening period since the adoption of the Development Plan, the current Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024) have been introduced. Specific Planning Policy Requirement 3 and Specific Planning Policy Requirement 4 contained therein outline requirements regarding car and cycle parking, respectively. The Specific Planning Policy Requirements outlined in this document take precedence over conflicting Development Plan objectives. Having regard to the site's proximity to the Town Centre, the public transport services available in the surrounding area and the pedestrian/cyclist improvements incorporated into the scheme, I consider the provision of 106 no. resident car parking spaces and 4 no. visitor car parking spaces to serve the proposed apartments to be appropriate in this instance. Upon review of the plans accompanying the application, I am satisfied that the proposed car parking spaces are appropriately sized (complying with the applicable DMURS requirements) and conveniently located proximate to the proposed apartments. The proposed apartments will be served by 240 no. bicycle parking spaces which falls slightly short of the requirements outlined. This shortfall is considered appropriate in this instance as it is minimal, and 80 no. bicycle parking spaces are provided to serve visitors to the development. From a qualitative perspective, the resident spaces serving the apartment blocks are provided within dedicated gated bicycle storage areas featuring at lower ground floor level of Blocks B1 and B3. These are considered to be appropriate locations in terms of shelter, accessibility and passive surveillance.

11.5. Residential Amenity

11.5.1. The suitability of the development in terms of residential amenity, both in the context of potential impacts on neighbouring properties and the residential amenity afforded residents of the proposed development, is assessed in this section of the report. The applicant has highlighted a potential material contravention in relation to the separation distance requirements outlined in the Kildare County Draft Development Plan 2023-2029 (which I note are generally the same as the iteration of the Development Plan subsequently adopted). Section 15.2.2 of the adopted Development Plan clearly states that where the minimum separation distances outlined are not met, a level of flexibility may be applied by the Planning Authority

where such instances occur within established urban areas and in particular town centres. From my reading of the applicable text, the separation distances outlined are considered desirable by the Planning Authority but are not a mandatory requirement. Accordingly, I do not consider that there would be a material contravention of the current Development Plan in respect of separation distances. Irrespective of this, in the intervening period since the adoption of the Development Plan, the current Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024) have been introduced. The Specific Planning Policy Requirements (SPPRs) outlined in this document take precedence over conflicting Development Plan objectives where applicable. In the context of separation distances, SPPR1 requires that *'a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained'*. I note that the subject proposal complies with this requirement as will be discussed in the subsequent sections of this report.

- 11.5.2. Residential land uses feature to the north, south and west of the subject site. The closest neighbouring residential abutments to the north are the 3-storey duplex blocks and 4-storey apartment blocks forming part of the recently constructed Mariavilla Residential Estate on the opposite side of Lyreen Avenue to the north of the site. The area featuring in the intervening space between the proposed blocks and these neighbouring properties features an access road (Lyreen Avenue)/foot and cycle paths/landscaped open space areas, the nearest building proposed (Block A1) being setback c. 30 metres from the nearest northerly abuttal, which is well in excess of the 16-metre separation distance specified by SPPR 1 of the Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024). Therefore, it is not anticipated that these properties will be impacted upon by way of overlooking or overshadowing and the separation distances provided are sufficient to negate any potential impacts on daylight/sunlight they currently receive. With regards to potential overbearing impacts, I note that the block in closest proximity to these properties (Block A1) will extend to 5 storeys in height. Given the properties to the north are 3 and 4 storeys in height and given the separation distance provided/the roads, paths and open space areas featuring in the intervening space, I am satisfied

that the proposed development will not have an unreasonable overbearing impact on these neighbouring properties.

11.5.3. The site's southern boundary currently abuts a field, however, as previously discussed a Large-Scale Residential Development involving 115 no. apartments was recently granted permission on foot of Reg. Ref. 23/494. Although construction has not yet commenced on site, consideration of potential impacts on the residential amenity of this approved development is required in the context of the subject proposal (although I am recommending that the proposed apartment blocks be refused permission; in assessing potential amenity impacts on this southerly abuttal I will have regard to the plans as originally lodged with the application). Within the proposed scheme, Block B3 will immediately abut the common boundary. In the context of the neighbouring site, approved Block B2 will immediately abut the common boundary. With regards to the potential overlooking of this approved development to the south, due to the layout, orientation and positioning of these 2 no. blocks relative to each other, there will be no opportunities for overlooking of opposing habitable room windows or balconies/terraces. Given the separation distance that exists between proposed Block B3 and the common boundary/Block B2 featuring on this neighbouring site (a minimum of c. 6.8 metres and c. 15.5 metres, respectively), the 4 storey height of Block B3 proposed adjacent to the southern boundary, and the positioning of the 2 no. blocks relative to each other, I am satisfied that the proposed development would not have any unreasonable overbearing impacts on the development approved to the south and that the separation distances provided are sufficient to negate any potential impacts on the level of daylight/sunlight they would receive once built. Given the orientation of the proposed development to the north of the proposed development, it will also not cause unreasonable overshadowing of this development approved on the southern neighbouring site.

11.5.4. The sites western boundary abuts the Divine Word Missionaries site. In terms of residential buildings, this site features an existing 3-storey rectory building in the north-eastern corner immediately adjacent to proposed Blocks A3 and B1. A three storey extension was recently granted, under Reg. Ref. 24/60225, to the immediate north of this existing rectory building. In considering potential residential amenity impacts, regard must be had to both the existing rectory building and the extended rectory building. The existing rectory building is setback a minimum of 15.5 metres

from the common boundary with the subject site proximate to proposed Block A3 and c. 34.9 metres from the common boundary with the subject site proximate to proposed Block B1, a car parking area featuring in the intervening space. Once extended, the rectory will adopt a setback of c. 8.8 metres from the common boundary with the subject site proximate to proposed Block A3 (the setback proximate to proposed Block B1 remaining unchanged). Proposed Blocks A3 and B1 adopt minimum setbacks of 2.5 metres and 25.5 metres from the relevant common boundary proximate to the rectory building, respectively.

11.5.5. In terms of potential overlooking from proposed Block A3, as this block sits to the west of the rectory's northern façade as opposed to directly opposite, there is no opportunities provided in the context of opposing habitable room windows. In the context of proposed Block B1, although a no. of east-facing habitable room windows associated with the rectory building (both under its current and approved configuration) sit directly opposite proposed some of Block B1's west facing habitable room windows, I am satisfied that the separation distance provided between opposing windows is sufficient to restrict potential overlooking. Given the separation distances that exist and the positioning of proposed Blocks A3 and B1's relative to the rectory building, as well as the fact that the primary outlook of the rectory is, and will remain post-extension, across the extensive ground featuring to the west/front of the site, I am satisfied that the proposed development will not have an unreasonable overbearing impact on the rectory and the separation distances provided are sufficient to negate any potential impacts on the level of daylight/sunlight it currently receives/would receive once the extension is built. Given the orientation of the proposed development relative to the rectory building and the separation distances adopted, the proposed development will also not cause unreasonable overshadowing of the same.

11.5.6. Further to this, I note that permission was also granted (on foot of Reg. Ref. 21/216) on the Divine Word Missionaries site (southernmost part) for the construction of 2 no. 3-storey student accommodation buildings, accommodating a total of 166 no. bedrooms. The easternmost of these buildings, Block 1, immediately abuts the subject site's western boundary proximate to proposed Blocks B2 and B3. Although construction has not yet commenced on site, consideration of potential impacts on the residential amenity of this approved development is required in the context of the subject proposal (although I am recommending that the proposed apartment blocks

be refused permission; in assessing potential amenity impacts on this westerly abuttal I will have regard to the plans as originally lodged with the application). Given the separation distance that exists between proposed Blocks B2 and B3 and the common boundary/Block 1 featuring on this neighbouring site (a minimum of c. 21 metres and c. 29 metres, respectively), the staggered positioning of proposed Blocks B2 and B3 relative to the western boundary and the stepped nature of proposed Block B3, I am satisfied that the proposed development would not have any unreasonable overlooking or overbearing impacts on this development approved to the west and that the separation distances provided are sufficient to negate any potential impacts on the level of daylight/sunlight they would receive once built. Given the aforementioned separation distances/the orientation of the proposed development to the east of the development approved, the proposed development will also not cause unreasonable overshadowing of this western abuttal. It is worth noting that the subject proposal adopts more generous separation distances from this part of the site's western boundary than the blocks previously approved on site under ABP Ref. ABP-301230-18 did.

11.5.7. With regards to the residential amenity afforded residents of the proposed development, I note the proposed student accommodation units are not bound by the requirements of the Apartment Guidelines, so quantitative requirements regarding room sizes, amenity spaces etc. do not apply. Having reviewed the proposed floor plans, I am generally satisfied that the proposed student accommodation units are suitably designed and adequately sized internally to provide an adequate level of residential amenity to future residents, including in regard to daylight/sunlight access. In addition, a variety of internal amenity spaces are provided across the ground floor of the 3 no. proposed blocks and 2 no. areas of external amenity space are provided within easy access of the 3 no. blocks. These will provide for a high level of residential amenity for residents of the proposed student accommodation units. Further to this, as outlined in the Social Infrastructure and School Provision Assessment accompanying the application, residents of the scheme will also have access to a wide range of social amenities and facilities featuring within the surrounding area. Having regard to the foregoing, I am satisfied that there are adequate facilities/services, both on site and in the surrounding area, to support this aspect of the proposed development.

11.5.8. Although I am recommending that the proposed apartments be omitted from the scheme, to allow the Board to carry out a comprehensive assessment of the proposed scheme, I consider it necessary to briefly assess the residential amenity of the proposed apartments. Upon review of the plans/schedule of accommodation & HQA accompanying the application, I am generally satisfied that the proposed apartments comply with the relevant requirements outlined in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) and the requirements of the Kildare County Development Plan 2023-2029. Having reviewed the proposed floor plans, I am generally satisfied that the apartments are suitably designed and adequately sized internally to provide an adequate level of residential amenity to future residents, including in regard to daylight/sunlight access. I am also satisfied that residents of the proposed apartments would have access to a suitably sized/designed/orientated area of external communal amenity spaces as well as a variety of internal communal amenity spaces.

11.6. **Open Space and Ecology/Biodiversity**

Open Space

11.6.1. Section 15.6 of the Kildare County Development Plan 2023-2029 requires that Towns in Kildare provide a minimum of 2.5 hectares of Open Space per 1,000 of population which should include both formal and informal open spaces. Further to this, Section 15.6.6 requires that, in the context of new residential developments development not on greenfield or institutional sites, 15% of the site area be reserved for public open space provision. Based on the industry accepted occupancy rate in the context of dwellings, of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms, and the no. of student bedspaces proposed, I calculate that the population of the development would be 521 persons (i.e. 146 units x 1.5 persons, 12 units x 3.5 persons and 260 no. student bedspaces). In accordance with the requirement of 2.5ha per 1000 population, this would equate to a requirement of 1.3ha/13,025sqm of public open space. The 15% minimum 'on-site' provision requirement would equate to a 0.372 ha or 3720sqm of the 2.48ha site area.

11.6.2. As clearly indicated in the material accompanying the application, the proposed development features 10,101sqm of public open space, comprising of an area in the

north-western corner of the site proximate to the proposed student accommodation blocks and areas along the site's frontage with the Crewhill Stream (northern part of the site) and the Lyreen River (eastern part of the site). This amounts to a total of 40.7% of the site area. This satisfies/exceeds the aforementioned the minimum 'on-site' and overall quantum outlined regarding public open space provision in the Development Plan (the suitability of communal open space provision in the context of the proposed student accommodation units/apartments was previously considered in Sections 11.1 and 11.5 of this report, respectively). Further to this, the public open space area provided along the eastern boundary is consistent with the requirements of Objective HCO 6.1, included in the Maynooth and Environs Joint Local Area Plan 2025–2031, which seeks the delivery of public parks on 'F: Open Space and Amenity' along the Lyreen and Rye Water Rivers, as well as Objectives BI O2 and BI O70 included in the current Development Plan which requires the retention of green corridors within built up urban areas to protect wildlife habitat value and the protection/management/enhancement of the existing Green Infrastructure, respectively.

- 11.6.3. The subject site features a no. of existing trees/vegetation, in particular the site's southern and eastern boundaries feature heavy tree planting. The retention and enhancement of existing vegetation/trees is encouraged in both the current Development Plan and the Joint LAP. The application was accompanied by an Arboricultural Report. A total of 89 no. trees and tree/shrub groups were surveyed in July 2021. In the context of the trees and tree/shrub groups featuring on the site, it was proposed to remove 4 no. trees and tree/shrub groups to facilitate the development and 3 no. trees and tree/shrub group for landscape improvement/arboricultural reasons given their poor or dangerous condition. Pruning works are also proposed in the context of existing trees proposed for retention on site. As illustrated/detailed in the Overall Landscape Masterplan/the Landscape Strategy and Design Statement submitted with the application, it was proposed to plant a no. additional trees as part of the subject proposal, including in the place of trees removed for landscape improvement/arboricultural reasons, will be replaced by new native trees. I note that there are no special designations pertaining to the site and no Tree Preservation Orders under the Planning and Development Act, 2000 (as amended), applying to the subject site. Further to this, the Arboricultural Report submitted with

the application shows that none of the trees being removed are classified as 'Category A' trees, with all the trees being removed comprising Category 'C' and 'U' trees. Based on the arboricultural material submitted with the application, the absence of tree-specific objectives/orders applying, the level of tree retention proposed, the supplementary planting put forward in landscape proposals and my own site visit, I am satisfied that the level of tree loss required to facilitate the proposed development is acceptable in this instance. I also find this aspect of the proposed development to be consistent with local planning policy provisions encouraging public open space provision/tree retention.

Ecology/Biodiversity

11.6.4. The application was accompanied by an Ecological Impact Assessment Report (EclAR), consistent with the requirements of Objective BI O1 of the current Development Plan. This assessment was informed by habitat surveys (inclusive of mammals and invasive species) carried out at the development site on 14th October 2021 and 30th May 2022; bat surveys carried out on 26th-28th August 2021 and 8th–13th June 2022; a bird activity survey completed on 14th October 2021; and a breeding bird survey carried out on 30th May 2022. The application was also accompanied by a Bat Assessment which was informed by a day time building & structure inspection, tree potential bat roost inspection and bat habitat & commuting routes mapping survey undertaken on 30th August 2021 and dusk survey & walking transect surveys conducted on 30th August 2021 and 14th June 2022, as well bat surveys undertaken in 2017 for the greater Mariavilla area (which included the subject site). I have had regard to the contents of these documents, as well as a Technical Note, dated 16th May 2025 (included as an Addendum to this Report) prepared by Inspectorate Ecologist Fiona Patterson (BSc. MSc. MIEMA CEnv), and observations made while on site, in considering ecology/biodiversity in the context of the proposed development.

11.6.5. The receiving environment is discussed in Section 5 of the EclAR. The site is within the Liffey and Dublin Bay catchment and Lyreen_SC_010 sub-catchment and 2 no. watercourses bound the site, with the Crewhill Stream flowing along the northern boundary and entering the River Lyreen, which flows along the eastern boundary. SPAs/SACs/pNHAs proximate to the subject site are detailed in Table 2. Of particular note are the Royal Canal pNHA, which is located within 0.5km of the site; and the Rye

Water Valley/Cartron SAC (1.1km from the site), Rye Water Valley/Cartron pNHA (1.1km from the site) and the Liffey Valley pNHA (7.4km from the site); all of which have a potential hydrological connection with the subject site by way of surface water discharge into the River Lyreen and Crewhill Stream. SPAs/SACs/pNHAs proximate to the subject site are detailed in Table 2. Of particular note are the Royal Canal pNHA, which is located within 0.5km of the site; and the Rye Water Valley/Cartron SAC (1.1km from the site), Rye Water Valley/Cartron pNHA (1.1km from the site) and the Liffey Valley pNHA (7.4km from the site); all of which have a potential hydrological connection with the subject site by way of surface water discharge into the River Lyreen and Crewhill Stream.

11.6.6. The habitats encountered and identified at the site comprise of Buildings and Artificial Surfaces (BL3), Spoil and Bare Ground (ED2), Recolonising Bare Ground (ED3), Eroding/Upland Rivers (FW1), Improved Agricultural Grassland (GA1), Treelines (WL2) and Scrub (WS1). These habitats were evaluated as being of local importance (lower value) in most instances, save for in the context of the Eroding/Upland Rivers (FW1) and Treelines (WL2) which were deemed to be of local importance (higher value). With regards to invasive species, Butterfly Bush and Sycamore Acer (both Medium Impact invasive species) were found on site. No rare or protected flora were observed on site during the surveys conducted.

11.6.7. Section 3 of the Bat Assessment details the results of the bat surveys conducted. Sections 5.4.2, 5.4.3 and 5.4.4 of the EclAR deals specifically with bats, birds and fauna, respectively. In summary, the surveys conducted in the context of both documents found the following:

- *Bats:* - The Bat Assessment accompanying the application recorded 3 no. species of bat (Common Pipistrelle, Soprano Pipistrelle and Daubenton's Bat) foraging within the mature treeline boundary adjacent to the Lyreen River, one common pipistrelle was detected foraging along the boundary with the Crewhill Stream, Soprano pipistrelle was also recorded roosting in the bat boxes erected under the modern concrete bridge within the adjacent Mariavilla site, and Leisler's Bat were infrequently recorded commuting through the proposed development site with no foraging detected. Section 3.35 of this report noted the following: - *'as this proposed development site is primarily a site compound and car park with night-time security lighting, its suitability as bat foraging and commuting area is*

greatly reduced and concluded that *'overall, the level of bat activity for common pipistrelle is considered as Medium Level and for all other bat species is considered as Low level for the proposed development site.'* In the context of the EclAR, 4 no. bat species (Common Pipistrelle, Soprano Pipistrelle, Leisler's Bat and Daubenton's Bat) were recorded on the site during the 2 no. surveys conducted. More specifically, these were observed frequenting the treeline/River Lyreen along the eastern boundary, roosting within the bat boxes installed beneath the bridge within the Mariavilla SHD site and commuting through the site. The total level of bat activity on site was deemed to be low.

- *Birds*: - The majority of birds found on site during the 2 no. surveys conducted were common species and all of which are of a good conservation status in Ireland. A Grey Wagtail (currently included on the red list of Irish birds) was observed flying over the site in October 2021, as well as another foraging along the River Lyreen in May 2022. Swifts (currently included on the red list of Irish birds) were observed flying over the site in May 2022. A no. of birds currently included on the amber list of Irish birds (House Sparrow, Herring Gull, Kingfisher and Starling) were observed flying over the site, foraging within the site and flying along the River Lyreen.
- *Mammals (excl. bats)*: - No rare or protected mammals were recorded within the subject site. There is potential foraging habitat on site (scrub and grassland habitat), however, construction activity/associated human presence on and around the site may contribute to the lack of evidence of mammals observed. No Otter holts were recorded adjacent to or near the site. Otter has however been recorded within the Crewhill Stream and the River Lyreen, with suitable habitat present along these watercourses. Otter may utilise the stream and river for commuting habitat and foraging resources.

11.6.8. The surveys informing the aforementioned reports were undertaken in optimum times for such surveying work and over an extensive time period (2017 to 2022). I am satisfied that bats, along with birds/other protected species, have been appropriately surveyed/considered during preparation of the subject application. Although some time has elapsed since the application was submitted/these reports were prepared, I am satisfied that they still provide an accurate reflection of the subject site in terms of flora and fauna, given the subject site has remained in a similar condition/has

continued to be used as a construction compound in the intervening period since the application was originally lodged. I note that upon review, the Inspectorate Ecologist (as detailed in Section 4.0 of the Technical Note accompanying this report) was satisfied that the extent of evidence provided by the Applicant provides sufficient details of the ecology baseline within the development site such that an impact assessment can be carried out.

11.6.9. In summary, the following 'Potential Effects of the Proposed Development' are outlined in the context of the Key Ecological Receptors listed in Table 8 of the EclAR, in Section 6:

Construction Phase

- *Impacts on Designated Sites:* - Given the hydrological link that exists, there is potential for sediments/pollutants from the site to enter the River Lyreen and Crewhill Stream, and thus the Rye Water Valley/Cartron SAC, Rye Water Valley/Cartron pNHA and Liffey Valley pNHA via surface water run-off and negatively impact this European Site/these pNHAs via water quality deterioration. Such a potential impact is considered to be negative, short-term, moderate in the absence of suitable mitigation.
- *Impacts on Habitats:* - Run-off from construction of the terrestrial elements of the proposal adjacent to the river have the potential to negatively impact on the Crewhill Stream and River Lyreen. Such a potential impact is considered to be a negative, short-term, significant impact in the absence of suitable mitigation. The treeline bounding the east of the site will be retained during the Construction Phase.
- *Impacts on Otters:* - Pollution of water and consequent impact on fish species has the potential to affect Otter by reducing prey availability within the river. This constitutes a negative, short-term, moderate impact in the absence of suitable mitigation. Also, increased human presence/noise and dust generated has the potential to cause negative, short-term, slight impacts in the form of disturbance to Otter, and any other mammals in the vicinity, at a local level.
- *Impacts on Bats:* - Noise generated has the potential to cause negative, short-term, slight impacts in the form of disturbance to mammals at a local level, potentially including bats should they roost in the surrounding landscape.

- *Impacts on Birds:* - Works carried out adjacent to the Lyreen River have the potential to lead to disturbance of local Kingfisher feeding or commuting nearby. These disturbances could result in negative, short-term, slight impacts. Some loss of habitat for birds will occur as a result of the removal of scrub/grassland at the site and disturbance of species during the Construction Phase is possible. This could have a negative, permanent, slight impact on birds in the locality. Increased noise/dust levels may have the potential to cause negative, short-term, slight impacts on local bird populations.
- *Impacts on Aquatic Fauna:* - There is potential for negative impacts on fish and the Common Frog in the River Lyreen and Crewhill Stream as a result of water quality deterioration due to run off from the construction elements adjacent to the river. This constitutes a negative, short-term, significant impact at the local level in the absence of suitable mitigation.

Operational Phase

- *Impacts on Habitats:* - Negative impacts, resulting from water quality deterioration, on Eroding/Upland Rivers (FW1) habitat are not anticipated due to the surface water management measures incorporated into the design. The existing treeline habitat along the watercourses bounding the site is to be retained and slowly replaced with native, semi-mature tree species over time (10-15 years). This has the potential to result in a negative, long-term, moderate impacts at a local scale as the newly planted vegetation takes time to mature. The proposal also includes the planting of native hedgerows and trees adjacent to the Crewhill Stream, which will result in a positive, permanent, moderate impact at a local level.
- *Impacts on Otters:* - Negative impacts, resulting from water quality deterioration, are not anticipated due to the surface water management measures incorporated into the design. As the existing vegetation along the River Lyreen is to be replaced with native tree species over time, this could result in negative, long-term, slight impacts on Otter, should they be present.
- *Impacts on Bats:* - There is potential for disturbance to bats utilising the site through light pollution. Given the proximity of the ecological corridor along the

River Lyreen, this could have a negative, long-term, slight/moderate impact on bats in the locality.

- *Impacts on Birds:* - No significant impacts on birds are anticipated. As the eastern treeline will be retained during the Construction Phase, and trees within this habitat will gradually be replaced by native tree species during the Operational Phase, there is potential for these works to have a negative, long-term, slight impact on local birds, including Kingfisher, due to temporary loss of mature vegetation and the increase in noise, dust, and human presence. Given the height and materiality of the proposed buildings, it is not anticipated that fatal collisions with commuting bird species will occur. The site is not located in a sensitive area in terms of bird flight and in itself does not offer suitable ex-situ feeding/roosting habitat for any such species, as the most dominant habitats on site are spoil and dense grassland. It is considered that any bird species using the areas adjacent to the site will adapt to the changing nature of the site as the construction phase progresses and for this reason the risk of bird collisions is negligible.
- *Impacts on Aquatic Fauna:* - No significant effects on fish species are anticipated during the Operational Phase.

11.6.10. The following mitigation measures are outlined in Section 7 of the EclAR and Section 5 of the Bat Assessment (in summary):

- Planting of native flora and protecting pollinators to provide additional food for bats and birds at the site.
- Various measures to protect surface waters and groundwater quality throughout the Construction Phase.
- The repositioning of the pedestrian bridge will be carried out in accordance with Inland Fisheries Ireland's Guidelines on Protection of Fisheries During Construction Works In and Adjacent to Waters (2016), the Guidelines for the Treatment of Otters prior to the Construction of National Road Schemes (2008) and best practice guidance.
- In the context of bats, retention of Tree Group G70 (where possible) and Tree T84, minimum tree surgery works of Tree T65, native tree/shrub planting,

installation of a rocket bat box adjacent to the Lyreen River Valley and incorporation of bat friendly lighting into the proposed lighting plan.

- Clearance of vegetation to be carried out outside the main breeding season and should any vegetation removal be required during this period, the NPWS will be consulted, and instruction taken from them.
- Various measures to reduce noise/dust throughout the Construction Phase.
- Any non-native/invasive flora species encountered will be controlled/removed as per the appropriate best-practice guidelines and in consultation with the relevant qualified invasive species professional.
- Any material required on the site will be sourced from a stock that has been screened for the presence of any invasive species and all machinery will be thoroughly cleaned/disinfected prior to arrival on site to prevent the spread of invasive species.
- SuDS measures will control surface water run-off and remove pollutants from surface water discharged during the Operational Phase.

11.6.11. Having considered several existing planning permissions on record in the area, as well as relevant policies and plans, no particular issues of concern are listed under 'Cumulative Impacts'. Similarly, no particular matters of concern were identified in the context of 'Residual Impacts'. Subject to the mitigation measures being implemented in full and remaining effective throughout the lifetime of the development, it is concluded that no significant negative impacts on any valued habitats, designated sites or individual or group of species as a result of the proposed development.

11.6.12. Having regard to the information/details included in the Ecological Impact Assessment and Bat Assessment, I am satisfied that the submitted information demonstrates that the proposed development will not impact on any designated or protected ecological sites or impact on any protected species. Suitable mitigation measures have been proposed and these are noted. It is worth noting that the Inspectorate Ecologist (as detailed in Section 4.0 of the Technical Note accompanying this report) deemed the types of mitigation measures proposed in Section 7 to be well established and effective in reducing water quality impacts on receiving waters. It is

recommended that a condition be attached to any Board Order granting permission requiring implementation of the same.

11.7. Infrastructure and Flood Risk

Infrastructure

- 11.7.1. The application was accompanied by an Infrastructure Design Report and a set of engineering drawings.

Water Supply

- 11.7.2. The proposed development will connect to 2 no. existing 180mm diameter watermain laid into the site across the Crewhill Stream from Lyreen Avenue. Uisce Eireann have confirmed, in their Confirmation of Feasibility (dated 11th November 2021), that a water supply connection can be facilitated without infrastructure upgrades.

Foul Water Drainage

- 11.7.3. The development features a gravity foul network, comprising of 2 no. catchments, which outfall to an existing 450mm diameter Irish Water foul sewer located along the Crewhill Stream.
- 11.7.4. To service the development, 150 and 225mm diameter foul water pipes will be provided throughout the site. All foul water generated from the proposed development will then flow towards an existing foul manhole located to the east of the site on Springvale Road. Uisce Eireann have confirmed, in their Confirmation of Feasibility (dated 11th November 2021), that a foul water connection for the proposed development is feasible subject to infrastructure upgrades. In this regard, 2 no. options are available: - 1. The upgrade of the Maynooth pumping station, construction of a new rising main to Leixlip and upgrade of c. 175m of to 600mm and 750mm sewers directly upstream of the Maynooth pumping station, to be completed by IW; and 2. Applicant to fund works to separate storm water from the combined system within the Maynooth pumping station catchment, as identified and agreed to by the Local Authority).

Surface Water Drainage

11.7.5. The surface water strategy adopted in the context of the proposed development comprises 2 no. separate surface water catchments (the student accommodation/creche zone and apartment development zone) which discharge at separate points along the Crewhill Stream. Each catchment will attenuate stormwater discharge separately to greenfield run-off rates and incorporate storage facilities and Sustainable Urban Drainage Systems (SUDS) elements (including green roofs, bio-retention areas, tree pits, filter drains and underground stormwater attenuation storage). The surface water network, as well as attenuation storage and site levels, have been designed to accommodate a 100-year storm event plus 20% climate change provision.

11.7.6. I am satisfied that the applicant can provide for suitable water supply and foul water and surface water drainage to serve the proposed residential units. It is worth noting that Kildare County Council Water Services Department have reported no objection to this development in relation to the connection to water supply and foul/surface water drainage.

Flood Risk

11.7.7. The Lyreen River runs along the site's eastern boundary and the Crewhill Stream along the site's northern boundary. While the majority of the site falls within Flood Zone C, the Infrastructure and Environmental Services – Strategic Flood Risk Assessment Map (Map Ref. 10.2), included in the Maynooth and Environs Joint LAP 2025-2031, places part of the subject site (along the northern and eastern boundaries) within Flood Zone A – 1% AEP.

11.7.8. The application is accompanied by a Site-Specific Flood Risk Assessment, consistent with the requirements of Objective IO 3.2 of the Joint LAP. This assessment has regard to, among other things, the Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009; OPW flood information, including the OPW Eastern CFRAM Study; and the Strategic Flood Risk Assessments prepared in the context of the following local planning policy documents: - Maynooth Local Area Plan 2013-2019 - Proposed Amendment No. 1, the Kildare County Development Plan 2017-

2023 and the DRAFT Kildare County Development Plan 2023-2029¹. This report included the following assessment (in summary) of the various forms of potential flooding:

- Fluvial: The subject site was identified as being at risk of fluvial flooding from the Lyreen River and the Crewhill Stream having regard to the aforementioned information sources. The OPW National Flood Hazard Mapping website registered previous flood events records at Maynooth on the Lyreen River / Meadowbrook tributary in 1993, 2000, 2002, 2008, 2011 and 2016.
- Pluvial: The subject site was identified as being at risk of pluvial flooding from the development and its surface water drainage network.
- Groundwater and Coastal: The subject site was not identified as being at risk of groundwater and coastal flooding. In this regard, the report screened out both of these.

11.7.9. In light of the above assessment, hydraulic modelling analysis was undertaken to determine the fluvial flood extents for the pre- and post- development fluvial flood risk reflective of the recently constructed Mariavilla development to the north, Lyreen Avenue works and the installed box culverts and access roads into the site over the Crewhill Stream. Further to this, a “Justification Test for Development Management” was undertaken in accordance with 5.15 of the aforementioned Flood Risk Management Guidelines. This test concludes that the development and any associated ancillary uses associated with the mixed-use development satisfies Section 3 of these Guidelines.

11.7.10. The proposed development includes the following design features/mitigation measures to address potential flooding:

- Locating the proposed buildings in Flood Zone C and raised above the 1%AEP flood event + 20% climate change.
- The storm-water networks are designed to facilitate storm events up to the critical 100- year design event plus 20% climate change allowance.

¹ I note that this SFRA was prepared in advance of the publication of the Maynooth and Environs Joint LAP 2025-2031, and its associated Infrastructure and Environmental Services – Strategic Flood Risk Assessment Map. However, similar potential flood risk was identified in the context of the subject site in the documents that informed the subject SFRA.

- The development's street/building levels have been designed to take overland flood routes from surcharged drainage networks into consideration in instances where the development's positive drainage network design may be exceeded on foot of storm events greater than the 1%AEP plus 20% climate change.
- Both vehicular accesses are designed with levels and culvert capacities so that the site can be safely accessed for 1% AEP + 20% and 0.1% AEP fluvial flood events.
- The proposed drainage system is to be maintained on a regular basis to reduce the risk of blockage.
- Boundaries onto adjacent public roads and open spaces are permeable to ensure that the flow routes will not be blocked by development in the event of potential overland flows.
- The proposed pedestrian bridge across the Crewhill Stream has been designed to not impact 0.1%AEP flood events by having the proposed bridge 600mm above the 0.1%AEP Flood event.

11.7.11. The report considered that *'the flood risk mitigation measures if implemented are sufficient to provide a suitable level of protection to address the residual risks raised'* and that *'the proposed development does not increase the flood risk to other third parties or lands.'*

11.7.12. Having examined the OPW website (www.floodinfo.ie) and Maynooth and Environs Joint LAP 2025-2031, I find the assessment provided regarding potential flooding in the Site Specific Flood Risk Assessment to be accurate. I am satisfied that potential fluvial and pluvial flooding has been appropriately mitigated against in the proposed buildings given the surface water drainage arrangements adopted, the floor levels adopted and their positioning entirely within Flood Zone C. Given the regard to flooding that has been has in the context of the design adopted in relation to the vehicular accesses, as well as the pedestrian bridge, I am also satisfied that suitable emergency access/egress is achieved in the context of the student accommodation units/apartments/creche proposed, consistent with the requirements of the Guidelines for Planning Authorities: Planning System and Flood Risk Management (2009). I am also satisfied that the proposed development does not create unreasonable additional flood risk for adjoining third-party properties. It is noted that Kildare County Council's

Water Services Section have raised no objection to the development in the context of flood risk.

11.8. Built Heritage

11.8.1. To the south-east of the subject site, the land on the opposite side of the Lyreen River forms part of the Maynooth Architectural Conservation Area. Further to this, Saint Mary's Catholic Church and Maynooth Parochial House are located further west of the subject site fronting Mill Street. Both of these buildings are included on the County's register of Protected Structures (RPS No. B05-58 and RPS No. B05-63, respectively). Therefore, consideration of the impact of the proposed development in terms of built heritage, is required in this instance. Chapter 11 of the Kildare County Development Plan 2023-2029 requires careful consideration of any proposals for development that would affect Architectural Conservation Areas and Protected Structures featuring within the County. Further to this, the appropriateness of the proposed development requires consideration in the context of the Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011). The application is accompanied by an Architectural Heritage Impact Assessment, consistent with the requirements of Objective AH O23 contained within the current Development Plan. This report concludes as follows in the context of the Maynooth Architectural Conservation Area: - *"there will be no significant impact on the character or setting of the Maynooth Architectural Conservation Area arising from the proposed development"* and similarly deemed the proposal to be appropriate in the context of the Protected Structures.

11.8.2. In the context of the Maynooth Architectural Conservation Area, the subject site is separated from the same by the Lyreen River and the proposed development (Block B3 being in closest proximity) adopts a minimum setback of c. 33 metres from the applicable section of the Lyreen River. Currently the part of the site abutting the Lyreen River features extensive tree cover which is to be retained/supplemented with additional planting as part of the subject development. Given the separation distances existing and the river/trees and vegetation featuring in the intervening space between the proposed development and the ACA, I am satisfied that the character/the special interest of the Maynooth Architectural Conservation Area will remain unchanged and unaffected by the proposal. In the context of the aforementioned Protected Structures,

the proposed development (proposed Block B3 being in closest proximity) is located c. 96 metres from these Protected Structures. Given the separation distance that exists between the proposal/these buildings and the existing and proposed buildings (under Reg. Ref. 23/494), as well as trees/vegetation featuring in the intervening space, there will be very limited views of the proposed development in the context of these properties. I am satisfied that the proposed development will not detract from the character or the special interest of either Protected Structures. Having regard to the foregoing, I have no objection to the proposed development in terms of potential impacts on the adjacent Architectural Conservation Area or Protected Structures.

11.9. Other Matters

11.9.1. *Duration of Permission* – The applicant seeks a 7-year permission for the proposed development. They argue that such a permission duration is justified having regard to the nature/scale of the proposed development; given the time associated with normal post-planning, tender and construction processes; and potential delays arising from judicial reviews. While I appreciate the potential for delays to occur if the decision is judicially reviewed, the potential timeframe must be balanced with the need for the timely delivery of housing and the need to minimise construction-related disturbance for surrounding businesses and residents. In that context, I consider that the proposed 7-year duration of permission would be excessive. Further to this, pursuant to the requirements of Section 41(1) of the Planning and Development Act, 2000 (as amended), I do not consider the nature or extent of this development warrants an extension to the standard 5-year period during which the permission is to have effect. Therefore, it is recommended that if the Board are inclined to grant permission a condition be attached limiting the duration of permission to the standard 5-year period.

11.10. Material Contraventions

Legislative Provisions

11.10.1. Under the provisions of Section 9(6) of the Act of 2016, the Board may decide to grant a permission for a proposed Strategic Housing Development where the proposed development, or a part of it, contravenes materially the Development Plan relating to the area concerned, albeit with exception to a material contravention of

land-use zoning objectives and subject to circumstances provided for under Section 37 of the 2000 Act (the matter of certain components of the proposed development materially contravening the current land-use zoning objectives was previously considered/addressed in Section 11.1 of this report. As certain aspects of the proposal constitute a material contravention of land use zoning objectives, I have recommended that a split decision be issued for this reason. This section of the report will consider the matter of other potential material contraventions). Section 37(2)(b) of the 2000 Act reads as follows:

(2) (a) Subject to paragraph (b), the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.

(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that—

(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,

or

(iii) permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,

or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

11.10.2. As previously outlined in Section 7.2, the application is accompanied by a Material Contravention Statement which considers the Maynooth Local Area Plan

2013-2019, the Kildare County Development Plan 2017-2023 and the DRAFT Kildare County Development Plan 2023-2029. This statement has been referenced in the public notices for the application in accordance with the requirements of the Act of 2016 and the Regulations of 2017. I note that the relevant Plans in the context of the subject application are the Kildare County Development Plan 2023-2029 and the Maynooth and Environs Joint Local Area Plan 2025–2031, both the Kildare County Development Plan 2017-2023 and Maynooth Local Area Plan 2013-2019 having expired. In the context of the Kildare County Development Plan 2023-2029, the applicant addresses the potential for material contraventions to arise with respect to parking provision, separation distances, plot ratio and universal design. The referenced ‘material contravention’ issues will be discussed in the following paragraphs.

Parking Provision/Separation Distances

11.10.3. For reasons outlined above in Section 11.4 and 11.5 respectively, I am satisfied that material contraventions would not arise regarding parking provision and separation distances outlined in the current Development Plan.

Plot Ratio

11.10.4. With regard to the potential material contravention of the Development Plan outlined in the context of plot ratio, I note that the DRAFT Kildare County Development Plan 2023-2029 recommended specified numerical requirements in the context of plot ratio. In the context of the subject site (which the applicant deemed to constitute an ‘inner suburban location’), a plot ratio of 1.0 was outlined. With a plot ratio of 1.02, the applicant considered there to be potential for a material contravention of the Development Plan and provided justification in this regard in the context of Section 37(2)(b) of the Planning and Development Act, 2000 (as amended). The adopted Development Plan includes the following guidance in relation to plot ratio at Section 15.2.1: - *‘appropriate site coverage and plot ratio will now be considered on a qualitative basis, rather than quantitative, having regard to the quality of design, response to site context (including sensitivity to Architectural Conservation Areas where applicable) and potential impacts on the surrounding environment.’* Given the numerical requirements outlined in the DRAFT Development Plan do not feature in the adopted Development Plan, and the qualitative/non-mandatory requirements set out

in the context of plot ratio, I do not consider a material contravention to have occurred in the context of plot ratio.

Universal Design

11.10.5. With regard to the potential material contravention of the Development Plan outlined in the context of universal design, I note that Policy HO O16 included in the DRAFT Kildare County Development Plan 2023-2029 read as follows:

- (a) Require that new residential developments provide for a wide variety of housing types, sizes and tenures.*
- (b) Specify target housing mixes, as appropriate, for certain sites and settlements as part of the Local Area Plan process.*
- (c) Require the submission of a 'Statement of Housing Mix' with all applications for 10 or more residential units.*
- (d) Require that all new residential developments in excess of 5 residential units provide for a minimum of 20% universally designed units in accordance with the requirements of 'Building for Everyone: A Universal Design Approach' published by the National Disability Centre for Excellence in Universal Design.*

Further detail in respect of unit mix is set out in Chapter 16: Development Management Standards.

11.10.6. The adopted Development Plan includes the same objective in the context of universal design, although it features at Policy HO O15 and Chapter 15 is referenced in the context of the Development Management Standards. Essentially, Policy HO O15 **requires the provision of a minimum of 20% universally designed units in accordance with the requirements of 'Building for Everyone: A Universal Design Approach'** (emphasis added). As outlined in the material accompanying the application, while the development is designed in accordance with Part M and the principles of 'Building for Everyone – A Universal Design Approach', the internal layouts are not fully in accordance with the indicative apartment layouts contained in the Universal Design Approach. Therefore, to permit the same would materially contravene the current Development Plan.

11.10.7. The Material Contravention Statement accompanying the application, contends that a grant of permission involving such a material contravention of the current

Development Plan is appropriate in the context of Sections 37(2)(b)(i), 37(2)(b)(ii) and 37(2)(b)(iii) of the 2000 Act.

(i) the proposed development is of strategic or national importance

11.10.8. The applicant contends that the subject development is of strategic importance having regard to (in summary) the legislative context, the proposed development falling under the definition of 'Strategic Housing Development', and the policy context, the following national planning policies encouraging the provision of such increased housing output:

- Housing for All, A New Housing Plan for Ireland (effectively replacing 'Rebuilding Ireland');
- Rebuilding Ireland – Action Plan for Housing and Homelessness 2016; and
- Project Ireland: National Planning Framework 2040.

11.10.9. In relation to Section 37(2)(b)(i), I note the classification of the proposed development as 'strategic housing development' as per the definition in Section 3 of the Act of 2016, and its significant scale, comprising of 33 no. student accommodation units (260 no. bedspaces), 158 no. apartments, a creche, and 2 no. retail units. As part of the RSES, Maynooth is designated as a 'Key Town' within the Dublin Metropolitan Area. As part of the RSES, the Dublin MASP seeks to focus on several large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. Maynooth is identified as a key node on the North - West Corridor, with land north and west of the town near Maynooth University identified as having significant strategic residential capacity. In the context of local planning policy, Section 3.2.2 of the Maynooth and Environs Joint Local Area Plan 2025–2031 outlines a housing unit target of 1,329 and an additional population target of 3,656 persons for Maynooth (Co. Kildare) to the end of Q4 2030

11.10.10. Having regard to this strategic context, together with the current national housing shortage and current national policy which seeks to substantially increase national housing output, I consider that the proposed development would be of strategic and national importance and that a material contravention would comply with the terms of Section 37(2)(b)(i) of the 2000 Act.

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,

11.10.11. The applicant contends that there are conflicting objectives between the specific wording of 'Policy HO O16 (Policy HO O15 in the adopted Development Plan)' and Section 15.2.8 (Section 15.2.7 in the adopted Development Plan) of the Draft Development Plan in relation to universal design requirements. Section 15.2.7 of the adopted Development Plan includes the following guidance in relation to universal access / design: - *'the design and layout of development schemes, public realm and community infrastructure should incorporate universal design **insofar as is feasible**, having regard to the provisions of the National Disability Authority 'Building for Everyone: A Universal Design Approach – Planning and Policy (2012) and Part M of the Building Regulations which sets out standards to ensure buildings are accessible to and usable by everyone (emphasis added).'*

11.10.12. In relation to Section 37(2)(b)(ii), I would concur with the applicant's position that the relevant objectives are conflicting/unclear. In the current Development Plan, Policy HO O15 clearly outlines a specific requirement that a minimum of 20% of units are universally designed in accordance with the requirements of 'Building for Everyone: A Universal Design Approach'. While from my reading of the text included in Section 15.2.7, in particular the phrase 'insofar as is feasible', the incorporation of universal design as outlined in the provisions of the National Disability Authority 'Building for Everyone: A Universal Design Approach – Planning and Policy (2012)' is considered desirable by the Planning Authority but are not a mandatory requirement. Accordingly, it is my opinion that the Board could apply Section 37(2)(b)(ii) in this case.

(iii) permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,

11.10.13. In relation to Section 37(2)(b)(iii), the applicant contends that the proposal complies with the Sustainable Urban Housing: Design Standards for New Apartments (2020) which were published after the 'Building for Everyone: A Universal Design Approach – Planning and Policy (2012). Particular reference is made to Section 4.1 of

the Apartment Guidelines, which notes that “*Part M of the Building Regulations sets out standards to ensure that buildings are accessible and usable by everyone, including children, people with disabilities and older people.*” As the scheme has been designed in accordance with both the Apartment Guidelines 2020 and Part M of the Building regulations, the applicant argues that there is sufficient justification for the Board to grant permission for the proposed development under Section 37(2)(b)(iii).

11.10.14. The requirements regarding universal design outlined in HO O15 are very specific in nature. I note that in the intervening period since the subject application was lodged and the Kildare County Development Plan 2023-2029 was adopted, the 2023 Apartment Guidelines have been introduced. In the context of universal access, the same reference is included therein in relation to Part M requirements. In relation to Section 37(2)(b)(iii), I note that the Part M requirements do not feature in one of the SPPRs contained within the 2023 Apartment Guidelines but are rather broadly referenced therein. Similarly, I note requirements pertaining to universal design featuring in the context of other regional/national policy directives and guidelines are not specifically required but rather referenced. Accordingly, I do not consider that the Board could apply Section 37(2)(b)(iii) in this case.

Conclusions on Material Contravention

11.10.15. Having regard to the foregoing, I consider that the proposed development would only materially contravene the current Development Plan in respect of the requirements pertaining to universal design. However, I consider that permission can be granted in accordance with the provisions of Section 37(2)(b) of the 2000 Act, and in particular Section 37(2)(b)(ii), for the reasons outlined in this section of my report.

12.0 Appropriate Assessment

Appropriate Assessment Screening

12.1. I have completed a screening for Appropriate Assessment (Stage 1) and determined that the project may have likely significant effects on the following European site: - Rye Water Valley/Cartron SAC in view of this sites’ conservation objectives and qualifying interests. The Board determined that an Appropriate Assessment (Stage 2) is required of the implications of the project on the same. I am satisfied that the possibility of likely

significant effects by the project on other European sites could be excluded in view of the nature and scale of the project and those sites' conservation objectives.

Appropriate Assessment

- 12.2. I have considered the Natura Impact Statement submitted by the applicant and all other relevant documentation accompanying the application and completed an Appropriate Assessment (Stage 2) of the implications of the project on the Rye Water Valley/Carton SAC (Site Code 001398) in view of the sites' conservation objectives. I consider that the information submitted was adequate to allow the carrying out of an Appropriate Assessment.
- 12.3. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would adversely affect the integrity of the European site No. 001398, or any other European site, in view of the site's Conservation Objectives.
- 12.4. This conclusion has been reached following a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects. More specifically, this conclusion is based on:
- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the Rye Water Valley/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 the Rye Water Valley/Carton SAC.
- 12.5. See Appendices No. 1 and 2 and the Technical Note, dated 16th May 2025 (included as an Addendum to this Report) prepared by Inspectorate Ecologist Fiona Patterson (BSc. MSc. MIEMA CEnv).

13.0 Environmental Impact Assessment Screening

Pre Screening for Environmental Impact Assessment

- 13.1. 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), identify classes of development with specified thresholds for which Environmental Impact Assessment (EIA) is required.

13.2. The proposed development involves the construction of a mixed-use residential development, comprising of 33 no. student accommodation units (260 no. bedspaces), 158 no. apartments, a childcare facility and 2 no. retail units. It replaces the student accommodation development, which comprised of 106 no. student accommodation units (483 no. bedspaces), a creche, a retail unit, a gym and a café, previously permitted on the subject site as part of a larger Strategic Housing Development under ABP Ref. ABP-301230-18. This Strategic Housing Development involved the construction of 462 no. dwellings, comprising 319 no. houses, 142 no. apartments and 1 no. refurbished gate lodge (a Protected Structure); 106 no. student accommodation units (483 no. bedspaces); and a neighbourhood centre, containing a crèche, café, gym and retail unit, across a 21.26Ha site encompassing the subject 2.48Ha site and a 18.78Ha land parcel extending northwards. When compared with the development previously approved for the subject site, the subject proposal involves a 10,227sqm (c. 15.5%) increase in floor area from that originally approved on site.

13.3. Accordingly, I identify the following classes of development in the 2001 Regulations as being of relevance to the proposed development:

- *Class 13(a) relates to a change or extension of development already authorised, executed or in the process of being executed that would:*
 - (ii) result in an increase in size greater than –*
 - 25 per cent, or
 - an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.
- *Class 10(b) relates to infrastructure projects that involve:*
 - (i) Construction of more than 500 dwelling units,*
 - (iv) 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.*

- 13.4. With regard to thresholds of development, I identify the applicable threshold (i.e. the greater amount as per Class 13(a)(ii)) for Class 10(b)(i) is 250 dwellings units and for Class 10(b)(iv) is 5ha (I consider that the site comes within the definition of another part of a built-up area where the 10ha threshold applies). Therefore, the proposed development is sub-threshold in terms of mandatory EIA requirements arising from Class 13(a)(ii) and Class 10(b)(i) and/ or (iv) of the 2001 Regulations.
- 13.5. As such, the criteria in Schedule 7 of the 2001 Regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment and should be the subject of EIA. The criteria include the characteristics of the project, the location of the site, and any other factors leading to an environmental impact.

Screening Determination for Environmental Impact Assessment

- 13.6. An Environmental Impact Assessment Screening Report and a Statement in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001, as amended, were submitted with the application. The applicant determined that the project was sub-threshold for the purposes of EIA and the development was assessed against the criteria set out in Schedule 7 and Schedule 7A. I have had regard to the information provided in these reports, as well as other related assessments and reports included in the case file.
- 13.7. I have carried out an EIA Pre-screening Determination on the project which is set out in Appendix 3 of this report. I have also carried out an EIA Screening Determination as per Appendix 4 of this Inspector's Report. I have considered the proposed development in the context of Schedule 7 criteria i.e. characteristics of the proposed development, location of proposed development, and types and characteristics of potential impacts. I have concluded that there is no real likelihood of significant effects on the environment, and therefore EIA is not required
- 13.8. Having regard to: -
1. the criteria set out in Schedules 7 and 7(A), in particular
 - (a) the nature and scale of the proposed development (which is below the thresholds in respect of Class 13(a)(ii) and Class 10(b)(i) and/ or Class 10(b)(iv) of the Planning and Development Regulations, 2001 (as amended)), in an established urban area served by public infrastructure

(b) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone

(c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)

2. the results of other relevant assessments of the effects on the environment submitted by the applicant
3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment.

13.9. I concluded that the proposed development would not be likely to have significant effects on the environment, and that an Environmental Impact Assessment Report is not required. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

14.0 Conclusion and Recommendation

Having regard to the above assessment, I recommend that Section 9(4)(d) of the Act of 2016 be applied, and that **SPLIT DECISION** be issued in the context of the development, for the reasons and considerations set out below. More specifically, I recommend that permission is **GRANTED** for the 33 no. student accommodation units (260 bedspaces), creche (700sqm) and 2 no. retail units (329sqm) proposed, associated vehicular access and car/cycle parking spaces, external hard and soft landscaped open spaces and all associated works to facilitate development; and permission is **REFUSED** for the 158 no. apartments (and ancillary facilities) proposed and associated vehicular access and car/cycle parking spaces, external hard and soft landscaped open spaces and all associated works to facilitate this aspect of the development.

15.0 Recommended Order

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 11th day of August 2022, by Cairn Homes Properties Ltd., C/O John Spain Associates, 39 Fitzwilliam Place, Dublin 2.

Proposed Development:

The development will consist of a mixed-use residential development of 158 no. apartments (and ancillary facilities), 33 no. student accommodation units (260 bedspaces), creche (700sqm) and 2 no. retail units (329sqm) as follows:

- Within Zone A, student accommodation of 33 no. units (260 bedspaces) comprising:
 - Block A1 (5 storeys) consists of 72 student bedspaces (64 no. single bedrooms & 8 no. accessible bedspaces), and student amenity facilities (347 sq. m) located at ground floor level including a gym, yoga studio, study room and laundry facilities (as well as playing court).
 - Block A2 (5 & 6 storeys) comprises 100 student bedspaces (96 no. single bedrooms & 4 no. accessible bedspaces), 2 no. retail units at ground floor level (142sqm and 187sqm) and student amenity facilities c. 117sqm at ground floor level;
 - Block A3 (5 storeys) comprises 88 student bedspaces (76 no. single bedrooms, 4 no. double bedrooms and 4 no. accessible bedspaces), with student amenity facilities (c. 263sqm) located at ground floor level including a study area, cinema, lounge, parcel room and storage areas; Provision is also made for a 2 storey creche (c. 700sqm);
- Within Zone B, the 158 no. apartments will be in 3 no. apartment buildings, comprising 2 no. studio apartments, 51 no. 1 bedroom apartments, 93 no. 2 bedroom apartments and 12 no. 3 bedroom apartments (all apartments with balconies or terraces) as follows:
 - Block B1 (part 4, 5/6 storeys with 7 storey element) consists of 63 no. apartments comprising 1 no. studio, 19 no. 1 bedroom apartments, 37 no. 2 bedroom apartments and 6 no. 3 bedroom apartments;
 - Block B2 (6 storeys) comprises 35 no. apartments consisting of 16 no. 1 bedroom apartments, 19 no. 2 bedroom apartments;
 - Block B3 (part 4, 5/6 storeys with 7 storey element) consists of 60 no. apartments comprising 1 no. studio, 16 no. 1 bedroom apartments, 37 no. 2 bedroom apartments and 6 no. 3 bedroom apartments;

- Vehicular access to the development will be via existing 2 no. junctions onto Lyreen Avenue which connects to the Moyglare Road along with the provision of 154 no. car parking spaces & 672 no. cycle parking spaces.
- External hard and soft landscaped open space including a range of passive and active recreation and boundary treatments.
- All associated works to facilitate development including, ESB substations, water and drainage infrastructure, bin and bike stores (single storey) as well as green roofs, PV panels, plant at roof levels.

Decision

A split decision be issued as follows:

- **GRANT** permission for:
 - 33 no. student accommodation units (260 bedspaces), creche (700sqm) and 2 no. retail units (329sqm) as follows:
 - Block A1 (5 storeys) consisting of 72 student bedspaces (64 no. single bedrooms & 8 no. accessible bedspaces), and student amenity facilities (347sqm) located at ground floor level including a gym, yoga studio, study room and laundry facilities (as well as playing court);
 - Block A2 (5 & 6 storeys) comprising 100 student bedspaces (96 no. single bedrooms & 4 no. accessible bedspaces), 2 no. retail units at ground floor level (142sqm and 187sqm) and student amenity facilities c. 117sqm at ground floor level;
 - Block A3 (5 storeys) comprising 88 student bedspaces (76 no. single bedrooms, 4 no. double bedrooms and 4 no. accessible bedspaces), with student amenity facilities (c. 263sqm) located at ground floor level including a study area, cinema, lounge, parcel room and storage areas; and
 - A standalone 2 storey creche (c. 700sqm).
 - Vehicular access to the development via existing 2 no. junctions onto Lyreen Avenue which connects to the Moyglare Road along with the provision of 44 no. car parking spaces & 352 no. cycle parking spaces.

- External hard and soft landscaped open space including a range of passive and active recreation and boundary treatments.
- All associated works to facilitate development including, ESB substations, water and drainage infrastructure, bin and bike stores (single storey) as well as green roofs, PV panels, plant at roof levels.

based on the reasons and considerations marked (1) under and subject to the conditions set out overleaf; and

- **REFUSE** permission for:

- 158 no. apartments (and ancillary facilities) as follows:
 - Block B1 (part 4, 5/6 storeys with 7 storey element) consists of 63 no. apartments comprising 1 no. studio, 19 no. 1 bedroom apartments, 37 no. 2 bedroom apartments and 6 no. 3 bedroom apartments;
 - Block B2 (6 storeys) comprises 35 no. apartments consisting of 16 no. 1 bedroom apartments, 19 no. 2 bedroom apartments;
 - Block B3 (part 4, 5/6 storeys with 7 storey element) consists of 60 no. apartments comprising 1 no. studio, 16 no. 1 bedroom apartments, 37 no. 2 bedroom apartments and 6 no. 3 bedroom apartments;
- The associated 110 no. car parking spaces & 320 no. cycle parking spaces, external hard and soft landscaped open spaces and all associated works to facilitate this aspect of the development.

based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

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.

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

- a) The site's location proximate to the established urban area with land-use zoning objectives for 'J – Student Accommodation' primarily in the Maynooth and Environs Joint Local Area Plan 2025–2031.
- b) The policies and objectives in the Maynooth and Environs Joint Local Area Plan 2025–2031 and Kildare County Development Plan 2023-2029;
- c) The nature, scale and design of the proposed development and the availability in the area of infrastructure;
- d) The pattern of existing and emerging development in the area;
- e) The provisions of Housing for All – A New Housing Plan for Ireland, 2021;
- f) The provisions of Project Ireland 2040 - National Planning Framework, which identifies the importance of compact growth;
- g) Sustainable Urban Housing: Design Standards for New Apartments, 2023;
- h) The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- i) The provisions of the Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024);
- j) The provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2019;
- k) The provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices) issued by the Department of Environment, Heritage and Local Government in 2009;
- l) The provisions of the Climate Action Plan 2025;
- m) The policies and objectives set out in the National Planning Framework;
- n) The policies and objectives of the Regional and Spatial Economic Strategy for the Eastern and Midland Regional Assembly;
- o) The NIS submitted with the application;
- p) Submissions received; and
- q) The Inspectors Report.

It is considered that, subject to compliance with the conditions set out below, the proposed development constitute an acceptable quantum, scale and density of

development in this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not cause serious injury to biodiversity and the natural environment, and would be acceptable in terms pedestrian, cyclist and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment (AA):

The Board agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Rye Water Valley/Carton SAC (Site Code 001398) 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 Sites, namely the Rye Water Valley/Carton SAC (Site Code 001398), in view of the sites' 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 sites' 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 Site, in view of the sites conservation objectives.

Environmental Impact Assessment Screening

The Board completed preliminary examination for environmental impact assessment of the proposed development and concluded that it would not have the potential to have significant effects on the environment, having regard to:

- The criteria set out in Schedule 7 and 7A, in particular:
 - (a) the nature and scale of the proposed development (which is below the thresholds in respect of Class 13(a)(ii) and Class 10(b)(i) and/ or Class 10(b)(iv) of the Planning and Development Regulations, 2001 (as amended)), in an established urban area served by public infrastructure
 - (b) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone
 - (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
- The results of other relevant assessments of the effects on the environment submitted by the applicant
- The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, and;

It is considered that the proposed development would not have the potential to have likely 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, with the exception of the universally designed units proposed within the development, subject to the conditions outlined, the proposed development is compliant with the provisions of the Maynooth and Environs Joint Local Area Plan 2025–2031 and Kildare County Development Plan 2023-2029 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that, while a grant of permission for this aspect of the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, it would materially contravene the stated objective regarding universal design outlined in Policy HO O15 of the Kildare County Development Plan 2023-2029. The Board considered that, having regard to the provisions of Section 37(2) of the Planning and Development Act, 2000 (as amended), a grant of permission, in material contravention of the Development Plan, would be justified for the following reasons and considerations:

- The proposed development is considered to be strategic in nature. It is designated as a 'Key Town' within the Dublin Metropolitan Area and located along a strategic development corridor as identified in the Dublin Metropolitan Area Strategic Plan contained in the Eastern & Midland Regional Assembly Regional and Spatial Economic Strategy (RSES) 2019-2031. Having regard to this strategic context, together with the current national housing shortage and national policy which seeks to substantially increase national housing, the Board considered that the proposed development would be of strategic and national importance, given its significant scale (comprising of 33 no. student accommodation units (260 no. bedspaces), 158 no. apartments, a creche, and 2 no. retail units) and that a material contravention would be justified in accordance with Section 37(2)(b)(i) of the Planning and Development Act 2000, as amended.
- The Kildare County Development Plan 2023-2029 requires the provision of a minimum of 20% universally designed units in accordance with the requirements of 'Building for Everyone: A Universal Design, as per Objective HO O15. However, it goes on to require that universal design having regard to the provisions of the National Disability Authority 'Building for Everyone: A Universal Design Approach – Planning and Policy (2012) is incorporated into the design and layout of development schemes, public realm and community infrastructure insofar as is feasible, in Section 15.2.7. Accordingly, the Board considered that the development plan objectives are conflicting/are not clearly stated and that a material contravention would be justified in accordance with Section 37(2)(b)(ii) of the Planning and Development Act 2000, as amended.

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.

Reason: In the interest of clarity.

2. The development permitted by this grant of permission is 33 no. student accommodation units (260 bedspaces), a creche, 2 no. retail units and all associated parking spaces/works.

Reason: In the interest of clarity.

3. The period during which the proposed development hereby permitted may be constructed shall be five years from the date of this Order.

Reason: In the interest of clarity.

4. The mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Statement, the Hydrological & Hydrogeological Assessment Report, Bat Assessment and Site-Specific Flood Risk Assessment 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 during the construction and operational phases of the development.

5. The proposed development shall be amended as follows:

- (a) Bicycle parking provision for the proposed childcare facility shall be increased to provide the quantum outlined in the current Development Plan.

Revised drawings showing compliance with this requirement shall be submitted to, and 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 sustainable transport and orderly development.

6. The final layout and specifications for the following shall be agreed with the Planning Authority in writing prior to commencement of development:

- (a) Details of the cycle/pedestrian path proposed adjacent to the Lyreen River.
- (b) Details of the pedestrian bridge proposed across/adjacent to the Crewhill Stream.

Reason: In the interests of permeability, sustainable transport, community safety, residential amenity and orderly development.

7. The proposed student accommodation units shall be used only as student accommodation, or accommodation related to a Higher Education Institute, during the academic year, and as student accommodation, or accommodation related to a Higher Education Institute, or tourist/visitor accommodation only during academic holiday periods. The tourist/visitor accommodation shall only be occupied for short-term letting periods of no more than two months and shall not be used as independent and separate self-contained permanent residential units.

Reason: In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.

8. (a) The student accommodation complex shall be operated and managed in accordance with the measures indicated in the Student Management Plan and Mobility Management Plan submitted with the application.

- (b) Student Accommodation Units shall not be amalgamated or combined.

Reason: In the interest of the amenities of occupiers of the units and surrounding properties.

9. 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.

10. The permitted development shall be landscaped in accordance with a detailed comprehensive scheme of landscaping (including play space areas), details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

11. The areas of public open space proposed shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the landscape scheme agreed with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

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

12. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of the following:

(a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development.

(b) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens. Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.

Reason: In the interest of visual amenity.

13. Prior to the occupation of the proposed childcare facility, finalised service details, as well as details of any proposed signage to be applied to the elevations of the respective buildings, including details of the glazing, materials, colour, lettering and depth of the signage, shall first be submitted to and agreed in writing with the Planning Authority.

Reason: In the interest of clarity and the visual amenity of the area.

14. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

15. Public lighting shall be provided in accordance with a scheme (informed by the Ecological Impact Assessment Report and Bat Assessment accompanying the application), which shall include lighting for the communal spaces and parking / servicing areas, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The design of the lighting scheme shall take into account the existing and permitted public lighting in the surrounding area. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity and public safety.

16. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed names 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 place names for new residential areas.

17. A plan containing details for the management of waste 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 and non-residential unit shall be submitted to, and agreed in writing with, the planning authority not later than six 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.

18. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

19. The construction of the development shall be managed in accordance with a final project 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 details of the construction practice for the development, including:

- a) Location of the site and materials compound(s), including areas identified for the storage of construction refuse;
- b) Location and details of areas for construction site offices, staff facilities, site security fencing and hoardings;
- c) Details of on-site car parking facilities for site workers during the course of construction;
- d) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- e) Measures to obviate queuing of construction traffic on the adjoining road network;
- f) Details of construction phase mobility strategy, incorporating onsite mobility provisions;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels.
- j) Details of appropriate mitigation measures for noise and dust, and monitoring of such levels;
- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or watercourses;
- n) An Invasive Species Management Plan; and
- o) A Construction Noise Management Plan.

A record of daily checks that the works are being undertaken in accordance with the final project Construction and Environmental Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

20. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of amenity and traffic and pedestrian safety.

21. All the communal parking areas shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

22. All service cables associated with the proposed development, such as electrical, telecommunications and communal television, shall be located underground. 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.

23. In the context of the proposed student accommodation blocks, 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 otherwise agreed in writing with the Planning Authority.

Reason: To protect the visual amenities of the area.

24. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services, 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.

25. Prior to commencement of development, the applicant is required to submit a Construction Phase Surface Water Management Plan in accordance with IFI Publication 2016 "Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters for the written consent of the Planning Authority.

Reason: In the interest of public health, to avoid pollution and to ensure appropriate attenuation of surface water.

26. Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

27. Site development and building works shall be carried out only between the hours of 07.00 to 19.00 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. 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 provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

29. 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 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.

30. The developer shall pay the sum of €300,000 euro (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under Section 48 (2)(c) of the Planning and Development Act 2000, in respect of the provision of a new pedestrian footbridge over the Lyreen River to provide permeability / connectivity for Vulnerable Road Users (pedestrians and cyclists) from the development to Maynooth Town Centre in compliance with DMURS standards. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Reasons and Considerations (2)

1. The proposed apartment blocks are located on lands which are zoned 'J – Student Accommodation', with a stated objective to '*provide for high-quality, professionally managed, purpose-built undergraduate and graduate student accommodation*', in the Maynooth and Environs Joint Local Area Plan 2025–2031. 'Residential unit' is identified as a 'Not Normally Permitted' use in the context of the zoned 'J – Student Accommodation' land use zoning objective. Given the proposed apartments are incompatible with the stated objective outlined in the context of the 'J – Student Accommodation'/the related policies outlined in Section 5.5.9 of the Maynooth and Environs Joint Local Area Plan 2025–2031 and the absence of 'very exceptional circumstances' warranting the granting of permission of the same, this aspect of the proposed development, if permitted, would materially contravene the land use zoning objectives of the Joint Local Area Plan. It would therefore be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Margaret Commane
Planning Inspector

16th May 2025

Appendix 1: Appropriate Assessment Screening

Screening for Appropriate Assessment Screening Determination

Description of the Project

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

An Appropriate Assessment Screening Report has been prepared by Enviroguide Consulting on behalf of the applicant and the objective information presented in that report informs this screening determination, as well as a Technical Note, dated 16th May 2025 (included as an Addendum to this Report) prepared by Inspectorate Ecologist Fiona Patterson (BSc. MSc. MIEMA CEnv).

The subject 2.48Ha site located in Maynooth Town, Co. Kildare. It comprises of a parcel of undeveloped land, accessible via Lyreen Avenue, a recently constructed link road between Dunboyne Road to Moyclare Road, which flanks the sites northern boundary. In terms of gradient, the site is at its highest adjacent to its western boundary, from there it falls by c. 3-8 metres in an easterly direction. The subject site lies within the Liffey and Dublin Bay catchment and the Lyreen_SC_010 sub-catchment. The site's eastern boundary is flanked by the Lyreen River and a tributary of this river, the Crewhill Stream, features along the site's northern boundary. The River Lyreen flows into the Rye Water c. 860 metres north-east of the site. The subject site is described in more detail in Section 2.0 of this report. The Natura 2000 sites located in closest proximity to the subject site are as follows:

- Rye Water Valley/Carton SAC (Site Code 001398) - 1.1km to the north-east.
- Ballynafagh Bog SAC (Site Code 000391) - 15km to the south-west.
- South Dublin Bay SAC (Site Code 000210) – c. 25km to the east.
- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) - c. 25km to the east.
- North Dublin Bay SAC (Site Code 000206) - c. 27km to the east.
- North Bull Island SPA (Site Code 004006) - c. 27km to the east.
- North-west Irish Sea SPA (Site Code 004236) - c. 30km to the east².

² The applicants Appropriate Assessment Screening Report identified 6 no. European Sites within the subject site's Zone of Influence (ZOI). I would bring to the Board's attention that in the period since submission of the application, the North-West Irish Sea SPA (Site Code 004236) has been designated,

The proposed development comprises (in summary) the construction of a mixed-use residential development, comprising of 33 no. student accommodation units (260 no. bedspaces)/ancillary facilities provided across 3 no. blocks (Blocks A1, A2 and A3); 158 no. apartments/ancillary facilities, provided across 3 no. blocks (Blocks B1, B2 and B3); a creche; and 2 no. retail units, along with all associated works to facilitate development. It is proposed to connect to the existing Uisce Eireann water and wastewater services. Please refer to Section 3.0 of this report and the plans/documents provided by the applicant for further details regarding the proposed development.

In terms of submissions/observations, the applicant referred the application to the relevant Prescribed Bodies. A submission was received from Inland Fisheries Ireland. In summary (a full copy of the applicable correspondence can be found on the file), it noted the following, in summary: - given the site is located adjacent to a tributary of the Lyreen River (an important salmonid tributary of the River Ryewater) and the potential for surface waters to potentially drain directly to it, it is vital to note that salmonid waters constraints will apply to any development in this area. Best practice should be implemented at all times in relation to any activities that may impact on surface water or riparian habitats. Any dewatering of ground water during construction must be treated by infiltration over land or into an attenuation area before being discharged off site. Strict daily visual monitoring/recording of the quality of water leaving the settlement ponds is essential. Any top soil or demolition material which is to be stored on site must have mitigations in place to prevent any deleterious material entering the river. Surface water outfalls must have detail design and subsequent method statements submitted to IFI for approval. Instream works can only take place from 1st July to 30th September. 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. All discharges must be in compliance with the European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010. With regards to the riverwalk, the applicant is directed to a revised "Planning for watercourses in the urban environment" published by the IFI.

Potential Impact Mechanisms from the Project

The site is not within/or adjoining any Natura 2000 sites or necessary to the management of any such sites. No direct habitat loss and/or alteration is expected

and the designation extends to within the ZOI of the site. There are therefore 7 no. European sites requiring consideration.

as a result of the proposed development. Similarly, as there will be no direct habitat loss within any European sites, no habitat fragmentation is anticipated as a result of the proposed development.

The Lyreen River and Crewhill Stream which flank the subject site both enter the River Rye. Therefore, there is a hydrological connection between the site and Rye Water Valley/Cartron SAC via surface water discharges during the Construction and Operational Phases. In addition, there is a potential hydrogeological pathway from the site to Rye Water Valley/Cartron SAC via groundwater during the Construction Phase.

With regards to potential indirect connections, there is an indirect hydrological connection to the Natura 2000 sites in Dublin Bay via the proposed foul and surface water drainage networks. The foul and surface water from the development will eventually discharge to the Leixlip WWTP prior to discharge to Dublin Bay.

Potential impacts and effect mechanism arising from the proposed development can be summarized as follows for the purposes of subsequent assessment:

- The uncontrolled release of pollutants, generated by the proposal during the construction stage, to surface water (e.g. run-off, silt, fuel, oils, concrete etc.) resulting in changes to environmental conditions such as water quality.
- Potential for the release of contaminated surface water, generated by the proposal at operational stage, resulting in changes to environmental conditions such as water quality.
- Potential groundwater contamination via human activities during the Construction Phase.
- Potential release of foul effluent, generated by the proposal at operational stage, resulting in changes to environmental conditions such as water quality.
- Potential disturbance and/or displacement of the Narrow-mouthed Whorl Snail and Desmoulin's Whorl Snail species associated with the Rye Water Valley/Cartron SAC due to hydrological and hydrogeological changes and/or changes in water quality.
- Potential changes in population density of the Narrow-mouthed Whorl Snail and Desmoulin's Whorl Snail species associated with the Rye Water Valley/Cartron SAC due to a surface water pollution event.

European Sites at Risk

The following table identifies European Sites that may be at risk of impact due to the proposed development:

Table 1 - European Sites at risk from impacts of the proposed project			
Effect Mechanism	Impact Pathway/Zone of Influence	European Sites	Qualifying Interests
Surface water pollution	If pollutants generated on site reached the stream/river flanking the site, they would be carried north into the River Rye, and then the Liffey Estuary, before reaching Dublin Bay coastal waters downstream.	Rye Water Valley/Carton SAC; South Dublin Bay SAC; South Dublin Bay and River Tolka Estuary SPA; North Dublin Bay SAC; North Bull Island SPA; and North-west Irish Sea SPA.	<p><u>Rye Water Valley/Carton SAC</u></p> <p>Petrifying springs with tufa formation; Narrow-mouthed Whorl Snail; and Desmoulin's Whorl Snail.</p> <p><u>South Dublin Bay SAC</u></p> <p>Mudflats and sandflats not covered by seawater at low tide; Annual vegetation of drift lines; Salicornia and other annuals colonising mud and sand; and Embryonic shifting dunes.</p> <p><u>South Dublin Bay and River Tolka Estuary SPA</u></p> <p>Turnstone; Light-bellied Brent Goose; Sanderling; Dunlin; Knot; Ringed Plover; Oystercatcher; Common Gull; Mediterranean Gull; Black-headed Gull; Bar-tailed Godwit; Red-breasted Merganser; Curlew; Great Cormorant; Grey Plover; Great Crested Grebe; Roseate Tern; Common Tern; Arctic Tern; and Redshank.</p> <p><u>North Dublin Bay SAC</u></p> <p>Mudflats and sandflats not covered by seawater at low tide; Annual vegetation of drift lines; Salicornia and other annuals colonising mud and sand; Spartina swards; Atlantic salt meadows; Mediterranean salt meadows; Embryonic shifting dunes; Shifting dunes along the shoreline with Ammophila arenaria (white dunes); Fixed coastal dunes with herbaceous vegetation (grey</p>

			<p>dunes); Humid dune slacks; and Petalwort</p> <p><u>North Bull Island SPA</u></p> <p>Pintail; Shoveler; Teal; Wigeon; Mallard; Turnstone; Short-eared Owl; Light-bellied Brent Goose; Sanderling; Dunlin; Knot; Curlew Sandpiper; Little Stint; Ringed Plover; Oystercatcher; Common Gull; Black-headed Gull; Bar-tailed Godwit; Black-tailed Godwit; Red-breasted Merganser; Curlew; Ruff; Golden Plover; Grey Plover; Shelduck; Spotted Redshank; Greenshank; and Redshank.</p> <p><u>North-west Irish Sea SPA</u></p> <p>Red-throated Diver; Great Northern Diver; Fulmar; Manx Shearwater; Cormorant; Shag; Common Scoter; Little Gull; Black-headed Gull; Common Gull; Lesser Black-backed Gull; Herring Gull; Great Black-backed Gull; Kittiwake; Roseate Tern; Common Tern; Arctic Tern; Little Tern; Guillemot; Razorbill; and Puffin.</p>
Foul Water Pollution	Foul water generated on site being discharged from Leixlip WwTP into Dublin Bay.	South Dublin Bay SAC; South Dublin Bay and River Tolka Estuary SPA; North Dublin Bay SAC; North Bull Island SPA; and North-west Irish Sea SPA.	As immediately above.
Ground Water Pollution	The contamination of groundwater on site via human activities	Rye Water Valley/Carlton SAC	Petrifying springs with tufa formation; Narrow-mouthed Whorl Snail; and Desmoulin's Whorl Snail

	before reaching the Rye River.		
Species Disturbance and/or Displacement	Hydrological and hydrogeological changes resulting in water level fluctuations within the habitat of the Narrow-mouthed Whorl Snail; and Desmoulin's Whorl Snail.	Rye Water Valley/Carton SAC	As immediately above.
Changes in Population Density	Potential impacts on population density of the Narrow-mouthed Whorl Snail; and Desmoulin's Whorl Snail arising from a surface water pollution event.	Rye Water Valley/Carton SAC	As immediately above.

With regard to surface water pollution, the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA cover coastal waters c. 25km downstream; North Dublin Bay SAC and North Bull Island SPA cover coastal waters c. 27km downstream; and North-west Irish Sea SPA cover coastal waters c. 30km downstream. This is not considered to be a feasible surface water due to distance and dilution. The dilution capacity of intervening watercourse, as well as the coastal waters of Dublin Bay, would reduce any pollutants to negligible concentrations before they could affect the qualifying interests of any European sites. Ongoing regular monitoring and maintenance of drainage and the SuDS measures will be incorporated into the overall management strategy, at both construction and operational phases, to ensure that there are no impacts on water quality and quantity. In the context of the Rye Water Valley/Carton SAC, deterioration of water quality in the adjacent river/stream as a result of surface water pollution from the subject proposal could have an impact on the Rye River. Therefore, the potential for likely significant impacts on water quality which could have an indirect impact on this European site **cannot be ruled out**.

In the context of foul water pollution, potential impacts on the South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Dublin Bay SAC, North Bull

Island SPA and North-west Irish Sea SPA arising from via discharges from Leixlip WwTP once operational are considered unlikely. Firstly, due to distance and dilution - discharge from Leixlip WwTP having to travel over 23km along the River Liffey before entering Dublin Bay. Secondly, sufficient capacity exists in the Leixlip WwTP to accommodate the subject proposal, the Uisce Éireann Wastewater Treatment Capacity Register, published June 2023 (accessed 1st May 2025), indicating that there is spare capacity available at the Leixlip WWTP. It is considered that significant effects on marine biodiversity and the European sites within Dublin Bay from the Leixlip WwTP are unlikely and therefore, the potential for likely significant impacts in the context of foul water on this European site can be ruled out.

In the context of ground water pollution and potential impacts on the Rye Water Valley/Carton SAC, this SAC was designated to protect two snails: - the Narrow-mouthed Whorl Snail and Desmoulin's Whorl Snail, both of which are particularly sensitive to hydrological and hydrogeological changes which may result in water level fluctuations within their habitat. More specifically, these snails are known to occur in one site within the Rye Water Valley/Carton SAC, which is at the Louisa Bridge, located 5.7km as the crow flies from the subject site or 7km downstream along the River Lyreen and River Rye Water. As detailed in the Hydrological & Hydrogeological Assessment Report accompanying this application, the Lyreen River and Crewhill Stream form a groundwater hydraulic barrier between the subject site and this SAC. Therefore, there is no groundwater pathway between the site and the SAC. Therefore, the potential for likely significant impacts in the context of ground water on this European site, and these 2 no. snail species more specifically, can be ruled out. The potential for likely significant impacts in the context of ground water on the Petrifying springs habitat within this European site can also be ruled out given the absence of a direct hydrological link and the intervening distance of 5.8km which negates the possibility of significant effects on the habitat arising from emissions of noise, dust, pollutants and/or vibrations emitted; increased traffic volumes/associated emissions; and increased human presence at the site.

As discussed previously, during both the Construction Phase and Operational Phase, there is a possibility of discharge/run-off of contaminated surface entering the adjacent stream and river, and ultimately the Rye Water Valley/Carton SAC. Therefore, it is possible that the proposed development could cause disturbance and/or displacement of the species associated with the Rye Water Valley/Carton SAC, due to the impact on water quality. As such, the potential for likely significant disturbance and/or displacement of these species within the Rye Water Valley/Carton SAC **cannot be ruled out**.

The populations of Narrow-mouthed Whorl Snail and Desmoulin's Whorl Snail associated with the Rye Water Valley/Carton SAC are known at the Louisa Bridge site, 7km downstream of the proposal. There is potential, in the case of a surface water pollution event during the Construction or Operational Phases, for the proposed development to significantly alter the population density of these species. As such, the potential for likely significant changes in population density of these species within the Rye Water Valley/Carton SAC **cannot be ruled out**.

Likely Significant Effects on the European Sites 'alone' or 'in-combination with other plans and projects'

The below table considers the potential for the project to undermine the conservation objectives 'alone':

Table 2 - Could the project undermine the conservation objectives 'alone'				
European Site and qualifying feature	Conservation objective (summary)	Could the conservation objectives be undermined (Y/N)?		
		Deterioration of water quality in the Rye River	Species Disturbance and/or Displacement	Changes in Population Density
Rye Water Valley/Carton SAC (Site Code 001398)				
Petrifying springs with tufa formation [7220]	To restore the favourable conservation condition of this habitat.	N	N	N
Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]	To restore the favourable conservation condition of this habitat.	Y	Y	Y
Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]	To maintain the favourable conservation condition of this habitat.	Y	Y	Y

Having regard to the foregoing, I consider the proposed development has the potential to undermine the conservation objectives of the Rye Water Valley/Carton SAC in relation to the Narrow-mouthed Whorl Snail and the Desmoulin's Whorl Snail. I conclude that the proposed development would have a likely significant effect 'alone' on the Rye Water Valley/Carton SAC from effects associated with deterioration of water quality in the Rye River, disturbance and/or displacement of species and changes in population density, as a result of the subject proposal. An Appropriate Assessment is required based on the effects of the project 'alone'. In the context of the Petrifying Springs with Tufa Formation, as it is not directly hydrologically linked to the subject site (relying instead upon upwelling groundwater

and seepage sources) and the intervening distance between the site and this habitat, it is not considered that the conservation objectives of the same would be undermined as a result of the proposed development.

Section 3.5.2.6 of the applicant's Appropriate Assessment Screening Report has considered cumulative / in-combination impacts, including those arising from national and local policies/plans and larger-scale developments permitted/under construction within the vicinity of the proposed development³. In the context of the plans/policies considered, it concluded that *'these plans will not result in negative in-combination effects with the proposed development.'* In the context of the developments permitted/under construction, it concluded as follows: - *'there is a possibility that the construction phase of the proposed development may coincide with the construction phases of the permitted developments located along the River Rye Water, and as such, there is potential for cumulative impacts to the River Rye Water via surface water contamination, which may result in negative, temporary, significant impacts to the Rye Water Valley/Carton SAC'*. I am satisfied with the conclusion reached in this regard.

Overall Conclusion - Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development could have a significant effect on the Rye Water Valley/Carton SAC (Site Code 001398) 'alone' in respect of effects associated with disturbance and/or displacement of and changes in population density associated with the Narrow-mouthed Whorl Snail and Desmoulin's Whorl Snail species, as well as the deterioration of water quality in the Rye River, as a result of the subject proposal. There is also potential for 'in combination' effects in the context of developments under construction/permitted in the surrounding area proximate to this SAC, during the construction phase.

It is therefore determined that Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 is required on the basis of the potential effects of the project.

No specific measures intended to avoid or reduce harmful effects on Natura 2000 sites were taken into account in reaching this conclusion.

³ Sometime has elapsed since the application was submitted/the Appropriate Assessment Screening Report and the NIS were prepared. In the intervening period, a no. of planning permissions have been granted in the surrounding area (some of which have been discussed in Section 4.0 of this report previously), including proximate to the Rye Water Valley/Carton SAC. Upon review of the Kildare and Meath County Council planning registers, they have been similar in nature to those discussed in the applicant's report and therefore, I do not consider they would alter the conclusion reached in the context of potential cumulative impacts to the Rye Water Valley/Carton SAC.

Appendix 2: Appropriate Assessment

Overview

The applicant has provided a Natura Impact Statement (NIS) in accordance with the requirements of the Stage 2 Appropriate Assessment process. Supporting documentation is referenced in the NIS.

I am satisfied that the submitted NIS is in accordance with current guidance/legislation/best practice and the information included within the report, in relation to baseline conditions and potential impacts, is clearly set out and supported with sound scientific information and knowledge. I note that the Inspectorate Ecologist (as detailed in Section 5.0 of the Technical Note accompanying this report) was satisfied that the evidence provided by the Applicant provides sufficient details such that AA can be carried out and that the only relevant European site is the Rye Water Valley/Carton SAC (Site Code 001398).

The NIS examines and assesses the potential adverse effects of the proposed development on the Rye Water Valley/Carton SAC (Site Code 001398), where it has been established that there is a possibility for significant effects on this European site, in the absence of mitigation as a result of deterioration of water quality in the Rye River and disturbance and/or displacement of species/changes in population density in the context of the Narrow-mouthed Whorl Snail and Desmoulin's Whorl Snail species. As reported in the AA Screening, all other European designated sites can be excluded from the need for further assessment.

Impact Prediction

Section 7.2 of the NIS provides an assessment of the potential impacts of the proposed development on key species. The following are the QIs that may be affected, with details provided in summary:

Rye Water Valley/Carton SAC		
Qualifying Feature	Pathway	Effect
Narrow-mouthed Whorl Snail [1014] and Desmoulin's Whorl Snail [1016]	Indirect pathway via surface water discharges into the River Rye	The habitats which support these species along the banks of the River Rye may be impacted by water quality deterioration arising from surface water discharges containing pollutants.

Section 7.3.1 of the NIS provides details on the 'Potential for In-combination Effects' and developments within the vicinity of the proposed development. The applicant reports that there is a possibility that the subject development's Construction Phase may coincide with that of the permitted developments located along the River Rye Water, and as such, there is potential for cumulative impacts to the River Rye Water, and therefore the Rye Water Valley/Cartron SAC via surface water contamination and deterioration in water quality. In this regard, the best practise measures outlined in the Preliminary Construction & Environmental Plan and the Hydrological & Hydrogeological Assessment Report will control the release of potential pollutants via surface water, groundwater and airborne pathways during the Construction Phase. Due to the implementation of these standard measures on the subject site and standard measures on the sites of permitted developments in the vicinity, it is concluded that there is no potential for in-combination effects to arise as a result of the proposed development. As previously discussed in Appendix 1, sometime has elapsed since the application was submitted/the Appropriate Assessment Screening Report and the NIS were prepared. In the intervening period, a no. of planning permissions have been granted in the surrounding area (some of which have been discussed in Section 4.0 of this report previously), including proximate to the Rye Water Valley/Cartron SAC. Upon review of the Kildare and Meath County Council planning registers, they have been similar in nature to those discussed in the applicant's report and would be subject to similar best practice measures in the context of the construction phase. Therefore, I do not consider they would alter the above conclusion reached in the context of in-combination effects to arise as a result of the proposed development.

Mitigation Measures

Section 8 of the NIS provides full details of proposed mitigation measures. They can be summarised as follows:

Construction Phase:

- Mitigation 1: Implementation of certain measures outlined in the Inland Fisheries Ireland Guidance documents in the streamside zones associated with the Crewhill Stream and River Lyreen to ensure protection of the same.

- Mitigation 2: Implementation of site-specific surface water measures, including measures pertaining to fuel and chemical storage and general protection measures (including those outlined in the Construction and Environmental Management Plan (CEMP) and the Hydrological & Hydrogeological Assessment Report.
- Mitigation 3: Repositioning of the Pedestrian Bridge will be done in accordance with the Inland Fisheries Ireland's Guidelines on Protection of Fisheries During Construction Works In and Adjacent to Waters (2016) and the Guidelines for the Treatment of Otters prior to the Construction of National Road Schemes (2008).
- Mitigation 4: Implementation of measures outlined in Hydrological & Hydrogeological Assessment Report aimed at protecting groundwater quality.

Operational Phase:

- Mitigation 1: Implementation of site-specific Sustainable Drainage System (SuDS) measures.

Section 9 provides the NIS Conclusion. Potential direct and indirect adverse effects from the development on the Rye Water Valley/Cartron SAC were considered. Where potentially significant effects were identified, a range of mitigation measures have been suggested to avoid them. The NIS has concluded that, *'as the avoidance and mitigation measures will be implemented as proposed, the Proposed Development will not have a significant adverse effect on the above European site. The implementation of mitigation measures outlined, which will be followed, will be sufficient to prevent adverse effects on the integrity of the identified European Site. Following the implementation of the mitigation measures outlined, the construction and presence of this Proposed Development would not be deemed to have a significant impact on the integrity of European Sites.'*

NIS Assessment

I have relied on the following guidance: - Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009); Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC,

EC (2002); Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

The Rye Water Valley/Carlton SAC (Site Code 001398) is subject to appropriate assessment. A description of the site and its Conservation Objectives and Qualifying Interests are set out in the submitted NIS and have already been outlined in this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website.

Aspects of the Development that could adversely affect the designated sites

The main aspects of the development that could impact the conservation objectives of this European site is through disturbance and/or displacement of and changes in population density associated with the Narrow-mouthed Whorl Snail and Desmoulin's Whorl Snail species, as well as the deterioration of water quality in the Rye River, as a result of the subject proposal.

Mitigation

A range of mitigation measures are provided in the NIS, and these are noted. These refer to the construction and operational phases of the development as provided in the applicant's report.

Overall, I consider that the proposed mitigation measures are clearly described, and precise, and definitive conclusions can be reached in terms of avoidance of adverse effects on the integrity of designated European sites based on the outlined mitigation measures. I consider that the mitigation measures are necessary having regard to the proximity of the site to/potential connections to the Rye Water Valley/Carlton SAC (001398). Overall, the measures proposed are effective, reflecting current best practice, and can be secured over the short and medium term and the method of implementation will be through a detailed management plan and appropriate monitoring through the construction phase of the development. It is worth noting that the Inspectorate Ecologist (as detailed in Section 5.0 of the Technical Note accompanying this report) deemed the mitigation measures presented in the NIS to be generally acceptable, well established and effective in reducing water quality impacts on receiving water.

In Combination Effects

No issues of concern are raised subject to the full implementation of mitigation measures outlined in the NIS.

Appropriate Assessment Conclusion

The proposed development at Mariavilla, Moyglare Road, Maynooth, Co. Kildare, has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the Rye Water Valley/Carton SAC (001398). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the site in light of their conservation objectives.

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 the Rye Water Valley/Carton SAC (Site Code 001398) subject to the implantation in full of appropriate mitigation measures.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of the Rye Water Valley/Carton SAC (Site Code 001398).
- Detailed assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Rye Water Valley/Carton SAC (Site Code 001398).

I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I have had full regard to the submitted report from the Department of Housing, Local Government and Heritage, and that of the Planning Authority. I consider it reasonable to conclude that on the

basis of the information submitted in the NIS report, including the recommended mitigation measures, and submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of the Rye Water Valley/Carlton SAC (Site Code 001398).

Appendix 3: EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-314337-22		
Proposed Development Summary	Construction of 158 no. apartments, 33 no. student accommodation units (260 no. bedspaces), a creche, 2 no. retail units and associated site works.		
Development Address	Mariavilla, Moyglare Road, Maynooth, Co. Kildare.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	✓	Class 13(a)(ii) and Class 10(b)(i) and/ or Class 10(b)(iv)	Proceed to Q3.
No			No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	✓	Class 13(a)(ii) – an extension resulting in an increase in size greater than 25%, or an amount equal to 50% of the appropriate threshold (i.e., Class 10(b)(i) and/ or Class 10(b)(iv)), whichever is the greater.	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	Class 13(a)(ii) – appropriate thresholds as per Class 10(b): - Class 10(b)(i) – more than 250 dwelling units. - Class 10(b)(iv) – urban development in an area greater than 5ha.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No		Screening determination remains as above (Q1 to Q4)
Yes	✓	Screening Determination required

Inspector: _____ Date: _____

Appendix 4: EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	ABP-314337-22	
Development Summary	Construction of 158 no. apartments, 33 no. student accommodation units (260 no. bedspaces), a creche, 2 no. retail units and associated site works.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	No	
2. Has Schedule 7A information been submitted?	Yes	An Environmental Impact Assessment Screening Report is submitted with the application which includes Schedule 7A information.
3. Has an AA screening report or NIS been submitted?	Yes	An Appropriate Assessment Screening Report and a Natura Impact Statement accompany the application which include information regarding proximate European sites.
4. 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	
5. 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	<p>The following were submitted with the application:</p> <ul style="list-style-type: none"> • A Site Specific Flood Risk Assessment. • A Preliminary Construction & Environmental Management Plan. • A Resource & Waste Management Plan.

		<ul style="list-style-type: none"> • An Outline Operational Waste Management Plan. • An Ecological Impact Assessment Report. <p>SEA and AA were undertaken by the planning authority in respect of the Kildare County Development Plan 2023-2029 and the Maynooth and Environs Joint Local Area Plan 2025–2031.</p>
B. EXAMINATION	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
<p>This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith</p>		
<p>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</p>		
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>The development comprises the construction of a primarily residential development on zoned/serviced lands in an existing urban area. From an environmental perspective, the nature and scale of the proposed development is not regarded as being significantly at odds with the surrounding pattern of development.</p>	<p>No</p>

<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>The proposed development will require site excavations to facilitate construction of the new development. The Lyreen River runs along the site's eastern boundary and the Crewhill Stream bounds the site to the north. The proposed development adopts generous separation distance from this river/stream so it is not anticipated that any negative impacts will result.</p>	<p>No</p>
<p>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?</p>	<p>Construction materials will be typical of such urban development. The loss of natural resources as a result of the redevelopment of the site are not regarded as significant in nature.</p>	<p>No</p>
<p>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?</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard measures outlined in a CEMP and a CDWMP would satisfactorily mitigate potential impacts.</p> <p>No operational impacts in this regard are anticipated.</p>	
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances, and will give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and</p>	<p>No</p>

	temporary in nature and with the implementation of standard measures outlined in a CEMP and a CDWMP would satisfactorily mitigate the potential impacts. Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.	
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?	No significant risks are identified. Operation of standard measures outlined in a CEMP and a CDWMP will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	There is potential for the construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts would be suitably mitigated by the operation of standard measures listed in a CEMP and a CDWMP.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within a CEMP and a CDWMP would satisfactorily address potential risks on human health. No significant operational impacts are anticipated, with water supplies in the area provided via piped services.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No significant risk is predicted having regard to the nature and scale of development. Any risk	No

	<p>arising from construction will be localised and temporary in nature.</p> <p>The site is at risk of flooding as discussed in Section 11.7. The associated risk is localised and is not anticipated to affect human health or the environment more broadly.</p> <p>There are no Seveso / COMAH sites in the vicinity of this location.</p>	
1.10 Will the project affect the social environment (population, employment)	Population of this urban area would increase. This is in accordance with the Core Strategy outlined in the Kildare County Development Plan 2023–2029. Housing would be provided to meet existing demand in the area.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	<p>This is a stand-alone development on an infill site located in an established urban area. However, the subject site previously formed part of the larger Mariavilla Site which was the subject of a previous Strategic Housing Development application, under ABP Ref. ABP-301230-18, involving (in summary) 462 no. dwellings, 106 no. student accommodation units, and a neighbourhood centre. This application was accompanied by an Environmental Impact Assessment. The subject proposal replaces the student accommodation development (106 no. student accommodation units (483 no. bedspaces), a creche, a retail unit, a gym and a café) previously permitted on this part of the site. The subject proposal would not significantly alter the nature or general scale of the previously permitted development. Given the nature/scale of the subject development relative to that originally approved on the</p>	No

	<p>subject land parcel, in my opinion the submission of an EIA is not required in this instance. I am satisfied that the subject proposal would not have the potential to give rise to likely significant effects on the environment that would alter the conclusions of the previous Environmental Impact Assessment for the permitted scheme.</p> <p>As detailed in Section 4.2, planning permission has been recently granted for (in summary) the construction of 115 no. apartments (on foot of Reg. Ref. 23/494) on the site immediately south. Given the nature and combined scale of development proposed across this and the subject site, it is not envisaged that significant cumulative environmental effects would occur. I also note that this application the subject of their own individual environmental assessment and were considered appropriate by the Planning Authority.</p> <p>It is noted that theMaynooth and Environs Joint Local Area Plan 2025–2031, which applied a residential zoning objective on the subject site/the surrounding sites, and the Kildare County Development Plan 2023-2029 were subject to Strategic Environmental Assessment (SEA).</p>	
2. Location of proposed development		
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:	Matters pertaining to ecology/biodiversity are discussed in detail in Section 11.6 of this report. Sensitive ecological sites are not located on site. Annex II habitats or habitat suitable for	No

<ul style="list-style-type: none"> - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - 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>protected species, including plants, were not found on site during ecological surveys. The subject site is located proximate to the Royal Canal and Rye Water Valley/Cartron pNHAs. It is not envisaged that the proposed development will negatively impact on this site.</p> <p>The nearest European sites are listed in Section 12.0 of this report. The proposed development would not result in significant impacts on these sites.</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>Existing habitats, flora and fauna (including protected species, such as bats) have been surveyed as part of the preparation of the submitted Ecological Impact Assessment Report and Bat Assessment. The submitted Ecological Impact Assessment Report or Bas Assessment did not raise any issues of concern. Mitigation measures are outlined therein to be adopted during construction/operation specific to habitats featuring on site. Biodiversity measures in the form of additional planting is anticipated to be of benefit to flora and fauna.</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>The site does not have a specific conservation status or landscape of particular importance and there are no Protected Structures or sites of archaeological interest on site.</p> <p>The proposed developments potential impacts on nearby sites of archaeological interest, Protected Structures and ACAs were considered in Sections 11.3 and 11.8. In summary, it is not anticipated that the subject</p>	<p>No</p>

	proposal would have a negative effect on the same.	
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?	No such features arise in this area.	No
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?	The development will implement SUDS measures to control surface water run-off. Potential impacts arising from the discharge of surface waters to receiving waters are considered, however, no likely significant effects are anticipated. The site is at risk of flooding as discussed in Section 11.7. The associated risk is localised and is not anticipated to affect rivers, lakes/ponds, coastal or groundwater more broadly.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No risks are identified in this regard.	No
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?	The site is served by an existing urban road network. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	The Divine Word Missionaries complex (which includes the Divine Word School of English) immediately abuts the site's western boundary and the Gaelcholaiste Mhaigh Nuad is situated further west, on the opposite side of Moyglare Road.	No

	However, arising from the project, including standard measures of a CEMP and a CDWMP, no significant construction or operational impacts would be anticipated for these facilities.	
3. Any other factors that should be considered which could lead to environmental impacts		
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/operation phase?	<p>The previous Strategic Housing Development application, under ABP Ref. ABP-301230-18, for the larger Mariaville Site (which includes the subject site) was subject to an Environmental Impact Assessment. The subject proposal replaces the student accommodation development (106 no. student accommodation units (483 no. bedspaces), a creche, a retail unit, a gym and a café) previously permitted on this part of the site. The subject proposal would not significantly alter the nature or general scale of the previously permitted development. Given the nature/scale of the subject development relative to that originally approved on the subject land parcel, in my opinion the submission of an EIA is not required in this instance. I am satisfied that the subject proposal would not have the potential to give rise to likely significant effects on the environment that would alter the conclusions of the previous Environmental Impact Assessment for the permitted scheme.</p> <p>As detailed in Section 4.2, planning permission has been recently granted for (in summary) the construction of 115 no. apartments (on foot of Reg. Ref. 23/494) on the site immediately south. Given the</p>	No

	nature and combined scale of development proposed across this and the subject site, it is not envisaged that significant cumulative environmental effects would occur. Some cumulative traffic impacts may arise during construction if both schemes were to be developed at similar times. This would be subject to a Construction Traffic Management Plan.	
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No transboundary considerations arise	No
3.3 Are there any other relevant considerations?	No	No
C. CONCLUSION		
No real likelihood of significant effects on the environment.	✓	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required
D. MAIN REASONS AND CONSIDERATIONS		
<p>Having regard to: -</p> <p>1. The criteria set out in Schedule 7, in particular</p> <p>(a) the nature and scale of the proposed development (which is below the thresholds in respect of Class 13(a)(ii) and Class 10(b)(i) and/ or Class 10(b)(iv) of the Planning and Development Regulations, 2001 (as amended)), in an established urban area served by public infrastructure;</p> <p>(b) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone;</p> <p>(c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended);</p>		

2. The results of other relevant assessments of the effects on the environment submitted by the applicant
3. The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment

The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____