



An  
Bord  
Pleanála

## Inspector's Report

### ABP-316427-23

#### Development

The extension of an existing school and provision 2 no. pedestrian entrances along the south-east boundary from Carton Avenue together with all associated landscaping, site works and services.

#### Location

Presentation Girls' School, Dunboyne Road, Maynooth, Co. Kildare.

#### Planning Authority

Kildare County Council

#### Planning Authority Reg. Ref.

22/1250

#### Applicant

The Board of Management of Presentation Girls School.

#### Type of Application

Permission.

#### Planning Authority Decision

Grant Permission

#### Type of Appeal

Third Party

#### Appellant(s)

David Kelly.

#### Observer(s)

David Moynan.

Mary McGaver.

**Date of Site Inspection**

30/03/2023.

**Inspector**

Enda Duignan

## **1.0 Site Location and Description**

- 1.1.** The address of the appeal site is the Presentation Girls' School, Dunboyne Road, Maynooth, Co. Kildare. The site is located on the north-eastern side of Dunboyne Road, immediately north of the junction of Main Street and Carton Avenue. The school campus is accessed from Dunboyne Road and a surface level car park is located within the south-western portion of the site. The school comprises a combination of single and double storey buildings with a total stated floor area of 3,787sq.m. There is an existing yard area to the south-east of the school buildings and a sports pitch and additional play areas are located to the north-east of the school buildings. The site has a stated area of 1.48ha.
- 1.2.** In terms of the site surrounds, there is an existing apartment development to the north-west of the appeal site. The residential development of Carton Square is located to the north-east of the site with an area of open space associated with this development located further to the east. Carton Avenue then forms the entirety of the south-eastern boundary of the appeal site.

## **2.0 Proposed Development**

- 2.1.** Planning permission is sought for the extension of the existing school campus. In order to facilitate the proposed extensions, it is proposed to demolish existing classrooms and supporting rooms including a library, store, multi-purpose room, office and toilets which have a combined floor area of 482sq.m. The proposed two storey extension is located on the north-western side of the existing building and will have a total floor area of 1,135sq.m. The extended building will comprise an early intervention unit on the ground floor which includes a library/resource room, 2 no. remedial rooms, store rooms and offices. At first floor level, it is proposed to provide a total of 4 no. classrooms, toilets and 3 no. set rooms. A centrally located lift will serve the two storey extension and a new stairwell is proposed on the north-eastern side of the building.
- 2.2.** The proposed extension will have a flat roof form with a maximum height of c. 8.2m above natural ground level. Materials and finishes for the proposed extension will comprise a combination of render and brick for the principal elevations with PPC aluminium framed windows.

- 2.3.** The proposal includes the removal of 2 no. trees within the existing car park in order to facilitate an extension of the existing car parking. The extended car park will provide an additional 7 no. car parking spaces.
- 2.4.** As part of the development, it is proposed to provide 2 no. pedestrian connections from the site to Carton Avenue along the south-eastern site boundary. Each entrance has a width of c. 1.2m a new paths will lead from the entrances to the avenue. The proposals also includes the provision of a covered bicycle stand adjacent to the new north-eastern pedestrian entrance. I note that 1 no. pedestrian entrance was omitted from the proposed development following concerns raised by the Planning Authority.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority granted planning permission for the proposed development subject to compliance with a total of 20 no. standard conditions.

Conditions of note included:

Condition No. 4 requires the Applicant to submit revised proposals for the new pedestrian connection to Carton Avenue which incorporated a number of amendments.

Condition No. 5 requires the stone boundary wall to Carton Avenue to be stabilised and repaired.

Condition Nos. 7, 8 & 9 relates to the protection of trees and requires the Applicant to retain the services of an independent qualified Arborist.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

The Kildare County Council Planning Reports forms the basis for the decision. The Planning Report provides a description of the site and the subject proposal, provides an overview of the planning history and summaries the issues raised in the third-party

observations on file.

Within their assessment of the application, the Planning Authority was satisfied that the principle of development was acceptable. However, concerns were raised with respect to the proposed pedestrian entrances on Carton Avenue and the Applicant was requested to omit 1 no. entrance. Further information was also requested with respect to the following items:

- Revised red line boundary to cover the full site area.
- Demonstration of sufficient legal interest to carry out the proposed works.
- Revised proposals to omit 1 no. pedestrian entrance.
- Submission of a method statement for the conservation and repair of the boundary walls to Carton Avenue.
- The submission of section diagrams and photomontages of the proposed development.
- Submission of foul and storm design calculations.
- Submission of longitudinal sections of foul and storm drains.

Following the submission of a response to the requests for further information, the Planning Authority was satisfied that the proposals were acceptable, and a grant of permission was recommended.

### 3.2.2. Other Technical Reports

Transportation Department: Report received stating no objection subject to conditions.

Municipal District Engineer: Report received stating no objection subject to conditions.

Water Services: Report received requesting further information. Second report on file stating no objection subject to conditions.

Environment Department: Report received stating no objection subject to conditions.

Conservation Officer: Report received requesting further information with respect to various items including details as to how the existing wall along Carton Avenue can

be restored and protected, the submission of 3D views and sections diagrams and the omission of the pedestrian connections to Carton Avenue. Second report on file recommending a refusal of permission for the proposed pedestrian connection to Carton Avenue.

Parks Department: Report received following the submission of further information recommending conditions in the event of a grant of permission. The conditions require the submission of an Arboricultural Assessment and revisions to the design of the path and pedestrian entrance on Carton Avenue.

Heritage Officer: Report received stating no objection.

Environment Department: Report received recommending a grant of permission.

### **3.3. Prescribed Bodies/External Reports**

EHO: Report received stating no objection subject to conditions.

Irish Water Report received stating no objection subject to conditions.

### **3.4. Third Party Observations**

Six (6) no. third-party observations were received by the Planning Authority. The issues raised can be summarised as follows:

- Concerns the proposal would adversely impact the character and setting of the historic walkway.
- Suggestions are made for a revised access proposal.
- It is argued that Carton Avenue would become an extension to the school grounds.
- There is a recommendation that swift bricks are provided in the new building in accordance with the policy provisions of the County Development Plan.
- Pedestrian entrances should only be provided for a temporary period during the construction phase.
- Validation issues with respect to the application.
- There is no clear justification for the additional pedestrian connections as

student numbers will not increase.

- Concerns with respect to the impact of the proposal on existing trees.
- The application is not supported by an Architectural Impact Assessment or a bat report.
- Insufficient amount of EV charging spaces and rooftop solar panels proposed as part of the development.

## **4.0 Planning History**

### **4.1. Appeal Site**

- 4.1.1. **15/241:** Planning permission granted by the Planning Authority for construction of an artificial grass play surface, lined out with sports markings together with associated landscaping works.
- 4.1.2. **11/224:** Planning permission granted by the Planning Authority for the construction of a 2.4m high boundary wall on part of the North West side boundary, with the removal of existing trees/hedge and for a proposed 2.4m high green twin wire fence erected 1.5m inside the existing South and North East stone wall boundaries.
- 4.1.3. **08/1909:** Planning permission granted by the Planning Authority for the 1) Removal of 3 no. existing temporary classrooms to North of existing school, 2) Construction of a two storey extension on North West of existing building comprising 6 no. classrooms, general-purpose room, toilets and stores, 3) etc.
- 4.1.4. **06/1143:** Planning permission granted to The Board of Management Presentation Girls Primary School for 1) single storey general purpose hall extension including toilets, server and storeroom 2) Single storey classroom extension consisting of 3 no classrooms and 4 no. resource rooms, all to the south of the existing school etc.

### **4.2. Relevant History**

- 4.2.1. **22/237 (ABP-314412-22):** Planning permission granted by the Planning Authority and the Board for the provision of a shared pedestrian/cycle path, including stone bridge and associated site development works. The site is located c. 600m to the north-east of the appeal site with an address at Limewalk (also known as Carton Avenue),

Maynooth, Co, Kildare.

## **5.0 Policy Context**

### **5.1. Maynooth Local Area Plan (LAP), 2013-2019**

- 5.1.1. The majority of the site is zoned A1 (Town Centre), the objective of which is 'To provide for the development and improvement of appropriate town centre uses including retail, commercial, office, residential, amenity and civic use.' The purpose of this zone is to protect and enhance the special character of Maynooth town centre and to provide for and improve retailing, residential, commercial, office, cultural and other uses appropriate to the centre of a developing town.
- 5.1.2. The site is also partially located within zone S (Carton Avenue), which has the objective 'to protect and provide for passive amenity use of a 60 metre buffer zone on either side of Carton Avenue / the Lime Walk'. The LAP also states that the area covered by this zoning objective shall remain undeveloped and shall include a management regime so that the character and setting of this historic walkway is protected and improved.
- 5.1.3. Relevant policies and objectives contained within Part B (Policies and Objectives) of the LAP include:
- **HP 7:** To facilitate and co-operate in the provision of community facilities in tandem with residential development including, in particular, local services, schools, crèches and other education and childcare facilities.
  - **RO 8:** To support vulnerable road user permeability between new and existing residential lands around the town and the town centre, Maynooth University and the schools around Maynooth.
  - **EDC 2:** To facilitate the development of educational facilities together with sports, recreational and cultural facilities for the schools.
- 5.1.4. Section 7.4.6 (Transport Links and Movement) of the LAP notes that 'Traffic has become the largest threat to the success of Maynooth as an attractive urban centre. An opportunity exists to increase permeability within the town centre and improve the quality of existing connections. Section 7.5 of this Plan and Map 1 and 1(a) outline



detailed proposals to improve movement and connectivity throughout the town.

5.1.5. Section 7.11 (Recreation, Amenity and Open Spaces) of the LAP is also relevant to the consideration of the appeal and includes the following objectives of note:

- **AR 3:** To continue to develop lands along Carton Avenue and at the Canal Harbour for amenity and recreational purposes.
- **AR 8:** To maintain and improve Lime Walk / Carton Avenue through the implementation of an appropriate management regime, the walkway shall be for passive amenity uses so as to ensure that the historic character of the Walk remains uncompromised.
- **AR 10:** To protect the following views and prospects:
  - o Along the Carton Avenue / Main Street Axis Road

5.1.6. Objectives Map (Map Ref. 1) Indicates a 'New Cycle / Pedestrian route' from the Dunboyne Road to connect to Lime Walk / Carton Avenue.

5.1.7. Natural and Archaeological Heritage (Map Ref. 4) The Limewalk / Carton Avenue is identified as 'Views & Prospects to be Preserved'.

5.1.8. Protected Structure Carton House (RPS B05-55) is located to the north-east of the subject site.

## **5.2. Kildare County Development Plan, 2023-2029**

5.2.1. The Kildare County Development Plan, 2023-2029 (CDP) came into effect on 28<sup>th</sup> January 2023 and is therefore the operative plan for the basis of this appeal determination.

5.2.2. There is an aim within Chapter 5 'Sustainable Mobility & Transport' 'To promote and facilitate ease of movement within and through County Kildare, by integrating sustainable land use planning and a high-quality integrated transport system; and to support and prioritise investment in more sustainable modes of travel, the transition to a lower carbon transport system, and the development of a safer, efficient, inclusive, and connected transport system.

5.2.3. Section 5.4.1 (Walking and Cycling) also highlights that ‘Walking and Cycling Active travel is the most sustainable mode of transport. Advancing walking and cycling as alternatives to private car use will prove crucial to the sustainable development of County Kildare. Pedestrian and cycle infrastructure are required that form an integrated, safe, convenient, direct and comfortable network of routes. This will mean reclaiming car-dominated space for upgrading walking and cycling infrastructure to better serve the daily, local trips of people of all ages, abilities and backgrounds in every neighbourhood.’ Relevant objectives include:

- **TM O20:** Ensure new development areas are fully permeable for walking and cycling at a minimum, public transport (where appropriate) and provide for filtered permeability for private vehicle access in accordance with the NTA Permeability Best Practice Guide in order to give a competitive advantage to active travel modes for local trip making.
- **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 O101:** Ensure that all developments allow for full connectivity (pedestrian, cycle and vehicular) to adjacent road networks and to adjacent lands, which may be developed in the future.

5.2.4. The appeal site is partially located (i.e. south-eastern boundary with Carton Avenue) within the Maynooth Architectural Conservation Area as set out on Map Ref. V1-11.10 of the Kildare County Development Plan 2023-2029. There is an aim under Chapter 11 (Built and Cultural Heritage) ‘To protect, conserve and sensitively manage the built and cultural heritage of County Kildare and to encourage sensitive sustainable development so as to ensure its survival and maintenance for future generations. Policies and objectives of note include:

- **AH P5:** Secure the identification, protection and conservation of historic items and features of interest throughout the county including street furniture, surface finishes, roadside installations, items of industrial heritage, riverine heritage, and other stand-alone features of interest (items not listed on the RMP or RPS).

- **AH P7:** Promote appreciation of the landscape and historical importance of traditional and historic gardens, demesnes and parks within County Kildare and particularly where they constitute an important and intrinsic value to the setting of a protected structure.
- **AH P8:** Preserve and protect the historic gardens and designed landscapes identified in the National Inventory of Architectural Heritage Survey of Historic Gardens and Designed Landscapes.
- **AH O19:** Ensure that development within the county including Council development retains, refurbishes and incorporates features of historical interest, as deemed appropriate in each instance.
- **AH O50:** Require where appropriate that an Architectural Heritage Impact Assessment report is prepared in accordance with DHLGH Guidelines and conservation best practice to inform visual or physical impacts of a proposed development on a demesne, designed landscape, or park, that is associated with a protected structure or located within an Architectural Conservation Area.
- **AH O65:** Ensure that any development, modifications, alterations, or extensions within an ACA are sited and designed appropriately and are not detrimental to the character of the structure or to its setting or the general character of the ACA and are in keeping with any Architectural Conservation Area Statement of Character Guidance Documents prepared for the relevant ACA.
- **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.

5.2.5. Chapter 14 of the current CDP sets out policy with respect to Urban Design, Placemaking and Regeneration.

5.2.6. Chapter 15 of the current CDP sets out Development Management Standards. In terms of 'Educational Facilities', Section 15.5.3 of the Plan notes that extensions to schools will generally be accepted where they will replace existing temporary

classroom structures on site. School extensions should be located having regard to adjoining amenities and amenities within the school site.

### **5.3. National Policy and Guidance**

Regard is had to:

- Architectural Heritage Protection - Guidelines for Planning Authorities 2011.

### **5.4. Natural Heritage Designations**

- 5.4.1. The nearest designated site is the Rye Water Valley/Carton SAC (Site Code: 001398) c. 1.1km to the north-east of the site. The proposed Natural Heritage Area (pNHA): Royal Canal, is also located c. 400m to the south of the site.

### **5.5. EIA Screening**

- 5.5.1. My assessment is that the form of development proposed, and which is the subject of this application, is such that it would not be of a class for the purposes of EIA as per the classes of development set out in the Fifth Schedule of the Planning and Development Regulations, 2001 (as amended). No mandatory requirement for EIA therefore arises and there is also no requirement for a sub threshold assessment.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. A Third Party appeal has been prepared by David Kelly. The grounds of appeal can be summarised as follows:

- The appellant questions the validity of the appeal as there is an application for a similar development which is currently the subject of an appeal with the Board (Ref. 22/237).
- It is contended that there is no justification for this intrusion into Carton Avenue as the application documents confirm that all roads in the vicinity of the existing school have adequate footpaths to cater for pupils walking to and from the school. As the proposed extension will not increase student numbers, no further entrances are required or justified.
- An additional entrance to the school could lead to confusion as to where a child is to be collected. The current situation allows a parent/guardian to observe

both entrances at one time.

- It is highlighted that all the trees on Carton Avenue are protected by tree preservation orders and concerns are raised that the application was not supported by a tree report and assessment.
- It is highlighted that Carton Avenue is an important part of the town's heritage and should be protected and maintained in its current condition. The appellant refers to the commentary of the Council's architectural conservation officer who has recommended a refusal of permission for this element of the proposal.
- Concerns are highlighted that the development would set an undesirable precedent for the further erosion of the Avenues special place in the heritage of Maynooth.
- The appellant contends that the approved entrance design is flawed and dangerous, as opening an entrance in the wall without pillars or under pinning of the wall could destabilise it. It is stated that this would lead to either closing the opening again, or introducing pillars or underpinning later, after planning has been approved. This would require extensive digging within the root protection areas that should have been identified, for this very reason, before the application was submitted.
- The applicant's claim that the new entrance would be required for safety grounds during the construction phase is unjustified and a traffic management plan that was properly implemented would negate any potential risks.
- A number of photos from the site surrounds have accompanied the appeal submission.

## **6.2. Planning Authority Response**

- 6.2.1. A response has been received which notes that the Planning Authority has no further comments or observations to make, and it is requested that the decision to grant permission be upheld.

## **6.3. First Party Response**

- 6.3.1. None.

## **6.4. Observations**

6.4.1. Two (2) no. observations have been received by David Moynan & Mary McGaver.

*David Moynan*

6.4.2. The observation to the appeal supports the Third Party appeal to the Board and a copy of their original observation to the application is enclosed. The observation notes that the Applicant has failed to justify the serious damage the pedestrian entrance will cause to the integrity of Carton Avenue. The reason being that there is no justification that could be provided, or case be made. The Board is requested to reject this element of the proposed development.

*Mary McGaver*

6.4.3. The observation contends that the interconnection(s) with Carton Avenue are not in accordance with the proper planning in the area and will seriously injure the amenities of Carton Avenue and the wider area. It is argued that the decision to permit one interconnection between the School property and Carton Avenue is;

- Unnecessary,
- Unsafe,
- At variance with the best interests of the amenity of Caron Avenue,
- Contrary to the best interests of plants, birds, insects inhabiting Carton Avenue,
- Contrary to good / proper Planning Policy

6.4.4. It is stated within the submission that the KCC Planning Decision appears to have ignored the KCC Conservation Officer's Report which recommended a refusal of permission. Concerns are also highlighted that there is requirement to submit a tree survey post decision.

6.4.5. The submission suggests that the Planning Inspector stands at the School's main entrance to observe activities of children and parents / guardians delivering and collecting children. It is highlighted that there is a large, attractive, well surfaced pedestrian area adjoining the School's main entrances where children and adults congregate to deliver children onto the School grounds, at the start of their School day and after School. It is stated that pedestrian use of this general area works well and safely.

- 6.4.6. The submission notes that keeping all pedestrian access in the same general area - at the existing road frontage of the School - is safer and more practical than having children entering and exiting at the School's existing main entrance location, whilst other children are entering / leaving School grounds c. 130m further along Carton Avenue.
- 6.4.7. The proposal will give rise to considerable congregations of parents / gaurdians, children, buggies, wheeled toys, bicycles and scooters on Carton Avenue. It is contended that this will result in substantial areas of trampled grass, mud, loss of plants, loss of amenity and increased requirement for maintenance. It is highlighted that there are informal pedestrian interconnections between existing housing estates and Carton Avenue. It is noted that the daily usage of these interconnections is limited and the Board's Inspector is asked to walk along Carton Avenue and note the conditions of the grass, mud, etc. at the informal pathways, even though these interconnections do not give rise to congregations of persons, wheeled traffic, etc.
- 6.4.8. Those who live in Maynooth, walk on Carton Avenue daily and greatly appreciate the beauty, amenity and natural resource of Carton Avenue, ask the Board to refuse a large / congregated increase in use of Carton Avenue which will be the outcome of any interconnection between the School grounds and Carton Avenue.

## **6.5. Further Responses**

None sought.

## **7.0 Assessment**

The main issues to be considered are those raised in the Third Party grounds of appeal, the observations to the appeal by the 2 no. Third Parties and the decision of the Planning Authority. Having regard to the totality of the documentation on file, I am satisfied that no other substantive issues arise. It is noted that the issue of appropriate assessment also needs to be addressed. The various issues can be dealt with under the following headings:

- Principle of Development.

- Permeability & Active Travel.
- Built Heritage.
- Landscaping & Trees.
- Appropriate Assessment.

## **7.1. Principle of Development**

7.1.1. The proposal seeks planning consent for the partial demolition and extension of the existing school campus. In total, c. 482sq.m of the existing school is to be demolished and it is proposed to construct a new two storey extension. The extensions will have a floor area of 1,135sq.m and will comprise an early intervention unit on the ground floor with 4 no. classrooms, toilets and 3 no. set rooms at first floor level. The proposed extension will have a flat roof form with a contemporary architectural expression and a maximum height of c. 8.2m above natural ground level. Materials and finishes for the proposed extension will comprise a combination of render and brick for the principal elevations with PPC aluminium framed windows.

7.1.2. As indicated earlier, the majority of the appeal site is zoned A1 (Town Centre). The objective of which seeks 'To provide for the development and improvement of appropriate town centre uses including retail, commercial, office, residential, amenity and civic use' and I note that a 'school' is a permitted in principle land use. The Planning Authority in their assessment of the application formed the view that the principle of development was acceptable as the proposal supported the ongoing use of the site as a school while providing enhanced facilities to help cater to future populations in Maynooth. Reference was also made to the policy support set out in both the relevant LAP and CDP that seeks to promote and enhance educational facilities in the county. I would fully agree the Planning Authority's view and I am satisfied that the proposal accords with the relevant policy provisions of the current CDP the extensions will support the planned expansion of this established use. The proposed development is therefore considered to be in accordance with the proper planning and sustainable development of the area. Noting the overall scale, height and form of the proposed extensions and their position relative to existing residences, I am also satisfied that the proposals will not unduly detract from the residential amenity of properties within the site's vicinity by reasons of overlooking,



overshadowing, loss of daylight/sunlight or by being visually overbearing. It is also relevant to highlight to the Board that the Third Party appellant and the observers to the appeal have not raised concerns with respect to the principle of the school's expansion.

7.1.3. Notwithstanding this, I note that an element of the proposed development originally comprised the provision of 2 no. pedestrian connections from the site to Carton Avenue. The connections are located along the south-eastern boundary and the proposal included the provision of new paths leading from the entrances to the avenue. Concerns had been raised with respect to this aspect of the proposal during the application process. Notwithstanding the omission of 1 no. entrance by the Applicant at further information stage, the appellant and the observers to the appeal have raised continued concerns regarding the impact of the proposed development on the character of Carton Avenue and the potential impact of the development on existing trees along the avenue. The following sections of this report will therefore focus on this specific element of the proposed development.

7.1.4. As noted previously, the southern portion of the site (i.e. boundary wall, pedestrian connection and footpaths) is zoned 'S - Carton Avenue', the objective of which seeks 'to protect and provide for passive amenity use of a 60 metre buffer zone on either side of Carton Avenue / the Lime Walk'. I note that the requirement for a buffer zone is applicable to the lands further to the north-east on either side of the avenue which are typically undeveloped and greenfield in nature. As the connection is proposed to facilitate/improve permeability, I am satisfied that this element of the proposed development would fall within the category of 'passive amenity use' and the reference to a 'buffer zone' is not applicable in the case of the subject proposal given the established use on site. In this regard, I am satisfied that the provision of a pedestrian connection at this location is generally in accordance with the zoning provisions of the site.

## **7.2. Permeability & Active Travel**

7.2.1. The Applicant's Infrastructure Design Report confirms that the existing vehicular access off Main Street/Dunboyne Road will be retained for the future use of the school.

It is noted that the site currently operates without parent vehicular access as there is insufficient space within the site to accommodate parent set-down for the full school. The report indicates that the focus of the roads and transport strategy is to improve pedestrian access into the development by creating the new pedestrian access to the school on Carton Avenue. This has been done to encourage more pupils to walk and divert some of the set-down traffic away from the front of the school as well as providing a segregated pedestrian access into the site during construction. The report goes on to note that the inclusion of the pedestrian access points will be key to the construction phasing of the works so to safely delineate between construction and school activities.

7.2.2. The appellant in this case contends that there is no justification for this intrusion into Carton Avenue as the Applicant has confirmed that all roads in the vicinity of the existing school have adequate footpaths to cater for pupils walking to and from the school. As the proposed extension will not increase student numbers, it is argued that no further entrances are required or justified. Similar concerns have been highlighted by the Third Party observers to the appeal. In terms of the policy provisions of the current Plan, I am conscious of policy contained within Chapter 5 ('Sustainable Mobility & Transport') which seeks to advance walking and cycling as alternatives to private car use, which will prove crucial to the sustainable development of the County. In this regard, I note that Objectives TM O20 and TM O101 seek to ensure that new development areas are fully permeable for walking and cycling in order to give a competitive advantage to active travel modes for local trip making, and that all development should allow for full connectivity (pedestrian, cycle and vehicular) to adjacent road networks and lands, which may be developed in the future.

7.2.3. The Planning Authority in their assessment have had regard to the policy support for active travel measures and they have referred planning precedent, specifically, a development (Ref. 22/237 (ABP-314412-22)) on the lands to the north-east of the site, whereby permission was approved by the Planning Authority and the Board for a pedestrian connection linking a permitted residential development and the avenue. Notwithstanding this, I note that there are clear differences between the current proposal and the permitted development to the north-east. The permitted development

(Ref. 22/237 (ABP-314412-22)) significantly enhances pedestrian permeability through the creation of a link between the avenue, the permitted development and the neighbouring lands. This would not only facilitate more direct access to the town for residents of the scheme via the avenue, but it would also encourage the use of more sustainable modes of transport for children who may attend the existing school. The permitted development also provides more direct connections between the site and the residential development of Limetree Hall and other residential and commercial developments (Carton Grove & Carton Retail Park respectively) located to the south of Carton Avenue. In the case of the subject proposal, I note that an existing pedestrian entrance to the school site is located c. 140m to the south-west of the proposed entrance. Given that there are existing and permitted entrances on Carton Avenue which currently facilitate access from residential estates to the school site via the Avenue, I am not satisfied on the basis of the information on file that an additional pedestrian entrance at this particular location is necessary or has been adequately justified. This is particularly relevant when having regard to the architectural character and significance of the Avenue, the location of the boundary wall within an ACA, the concerns raised by the Planning Authority's Conservation Officer and when considering the location of the proposed entrance relative to the existing school entrance. Whilst I accept that an additional entrance would be convenient for children and their parents, it is my view that the impact of the proposal in terms of encouraging more sustainable modes of transport would be negligible for the reasons I have outlined above.

### **7.3. Built Heritage**

7.3.1. Within their assessment of the application, the Planning Authority confirm that the Avenue and the walls etc. form part of the attendant grounds of Carton House (RPS. B06-09) and are therefore afforded the protection of Policy PS2 of the County Development Plan (2017-2023). In terms of the relevant policy of the current Plan, Section 15.17.1.2 (Development Within the Curtilage, Attendant Grounds and Setting of Protected Structures) is relevant to the consideration of the appeal and notes that when considering applications for development within the curtilage and/or attendant grounds of a protected structure, the Council shall have regard to:

- The various elements of the structure which give the protected structure its

special character and how these would be impacted on by the proposed development.

- The proximity of any new development to the main protected structure and any other buildings of heritage value.
- The design of the new development that should relate to and complement the special character of the protected structure.

7.3.2. The appeal site is also partially located within the Maynooth ACA. The ACA covers the town centre and then extends south to a section of the northern side of the Royal Canal and east to cover the entirety of Carton Avenue and the immediately adjoining lands (north & south). Carton Avenue is a c.1km path which was designed c.1750 as a connection route from Maynooth town to the entrance of Carton House. The Planning Authority's Conservation Officer noted that the tree-lined avenue largely survives as it was originally planned with a c. 2.2m central path, now serving as a pedestrian walkway and link to the south-west entrance of Carton House.

7.3.3. As indicated previously, the Planning Authority was satisfied that the principle of providing a new pedestrian connection to Carton Avenue was acceptable and would promote sustainable modes of transport. However, in order to balance impacts to the built heritage landscape, the Applicant was requested to omit 1 no. entrance. As part of the further information response, a modified design was submitted which omitted the south-western entrance. The north-eastern entrance was to be retained and a c. 3.3m wide opening in the wall was required to provide the c. 2m wide entrance. New pillars with a height of c. 2.8m are to be provided on either side of the entrance. Notwithstanding the revisions to the proposal, the Planning Authority's Conservation Officer had a continued concern with this element of the development and a refusal of permission was strongly recommended.

7.3.4. Section 3.1 of the Applicant's Conservation Specification and Method Statement indicated that the existing stone boundary wall was built c.1800 and may be associated with Crom-a-boo Lodge, which was demolished in the 1970s, or when Crom-a-boo Lodge was subsequently converted in the 1870s. The Planning Authority's Conservation Officer formed the view that additional pedestrian access points from

adjoining lands at the western side of the Avenue is unnecessary considering the proximity to the main entrance to Carton Avenue. It was stated that the proposal would result in the unnecessary loss of historic fabric and would therefore have a detrimental impact on the special character of Carton Avenue. Concerns were also raised with respect to the formalised piers and gates, and it was considered that the inclusion of a formal entrance on to Carton Avenue alludes to a historical link from the school to the avenue that was never intended and appears to be historically incorrect. It was stated that the works would have an irreversible impact on the surviving-built fabric and would irrevocably alter the perception of a linear connection between the 2 no. designed formal entrances at either end of the Avenue. They go on to note that the new pedestrian access to Carton Avenue contravenes the Policy and Objectives of the current Plan as it would diminish the intrinsic value of Carton Avenue as a designed landscape feature which is associated with Carton House, a Protected Structure.

7.3.5. It is evident that the Planning Authority had sought to minimise the impact of the proposed development and conditions have been included which provide for the removal of the piers and capping and the omission of the splayed layout for the new pedestrian path linking the Avenue and the school. Within their assessment, the Planning Authority also noted that if the extension was not provided, it would not be appropriate to require the Applicant by condition to carry out conservation works to the wall. They go on to note that the inclusion of an access, provides an opportunity to require the Applicant to carry out conservation works to the entire wall alongside their site, thereby safeguarding its presence for the future, albeit at the cost of removing a section of the built fabric of the structure.

7.3.6. From my observations on site, it was evident that a number of existing entrances are in place along the Avenue which serve neighbouring residential estates. As is the case with the permitted entrance further to the north-east (Ref. 22/237 (ABP-314412-22)), the existing boundaries along Carton Avenue are less formalised and typically comprise a combination of hedgerows and fencing. As noted, the Avenue boundary with the appeal site differs and the proposal necessitates the removal of existing built heritage fabric in order to facilitate the proposed pedestrian connection. Although I accept that a condition requiring the repair of the existing boundary wall would be a

positive outcome, I would share the concerns of the Conservation Officer regarding the potential impact of the proposed development on the character of the Avenue. In light of the Planning Authority's commentary regarding the association of the Avenue's walls with Carton House, a designated Protected Structure, I am also not satisfied that its partial demolition is warranted or has been adequately justified, particularly when considering the relative short distance to the existing school entrance. It is therefore my view that this element of the proposed development is contrary to the policy provisions of the current Plan, namely AH P7, AH P8, AH O65 and Section 15.17.1.2, and should therefore be omitted by way of condition.

- 7.3.7. I am conscious of the Applicant's commentary that the inclusion of the pedestrian access points will be key to the construction phasing of the development so to safely delineate between construction and school activities. In this regard, I recommend the inclusion of a condition, requiring the submission of a revised Construction Management Plan, which clearly outlines how access to school is to be coordinated/managed during the construction phase of the proposed development.

#### **7.4. Landscaping & Trees**

- 7.4.1. The appellant and the observers to the appeal have raised significant concerns with respect to the potential impact of the proposed pedestrian entrance and paths on existing trees along the Avenue, particularly in the absence of an arboricultural assessment and associated documents. It is evident that the trees that are located in proximity to the entrance form an intrinsic feature of the Avenue and it is therefore fundamental that their ongoing viability is maintained. As part of the Applicant's further information response, a Boundary Treatment Plan (Drawing No. 2033-FI-005) was submitted providing details of the proposed entrance and pedestrian paths. The location of the existing trees has been indicatively shown on this plan. The proposed path will be located between 2 no. existing trees and will have a splayed layout with a gradient of between 1:21 and 1:34 and a width of c. 2m.
- 7.4.2. As highlighted by the appellant, the application was not supported by a Tree Survey or an evaluation of the development by an Arboricultural Assessment. However, the Planning Authority's Parks Department have recommended a suite of conditions as a

measure to safeguard the existing trees along the Avenue. These conditions include the requirement for the Applicant to retain the services of a qualified Arborist as an Arboricultural consultant for the entire period of construction activity, the submission of an Arboricultural Assessment report and associated plans, details of tree protection measures and revisions to the pedestrian paths linking the Avenue and the school, including;

- The omission of the 'splayed' layout omitted.
- The surface type to be 'Terram Grassprotecta' or similar, and,
- No edge to path surface.

Whilst I am generally satisfied that appropriate construction techniques (for e.g. 'non-dig' construction method) can ensure that a proposal of this nature can have negligible impact on trees, suitable conditions similar to those as recommended by the Parks Department should be included in the event the Board is minded to grant permission for this element of the proposed development.

## **7.5. Appropriate Assessment**

7.5.1. The nearest designated site is the Rye Water Valley/Carton SAC (Site Code: 001398), c. 1.1km to the north-east of the site. I note that the application was supported by a report for the purposes of Appropriate Assessment Screening prepared by Moore Group Environmental Services. The report concludes that it can be excluded, on the basis of objective information, that the Proposed Development, individually or in combination with other plans or projects, will have a significant effect on a European site.

7.5.2. Taking into consideration the nature, extent and scope of the proposed development and to the nature of the receiving environment, with no direct hydrological or ecological pathway to any European site, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

8.1. Grant of permission is recommended.

## 9.0 Reasons and Considerations

### 9.1. Having regard to the:

- The location, nature, scale and design of the proposed development,
- The policy provisions of the Maynooth Local Area Plan 2013-2019 and the Kildare County Development Plan 2023-2029, including the A1 (Town Centre) and S (Carton Avenue) zoning objectives that apply to the appeal site,
- The location of the appeal site partially within the Maynooth Architectural Conservation Area (ACA), and,
- The specific characteristics of the site and surrounds,

it is considered that, subject to compliance with the various conditions set out below, including a requirement to omit the proposed pedestrian entrance and pathway, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would be sympathetic to the architectural character and setting of Carton Avenue and the ACA and is acceptable in terms of public health and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by further plans and particulars received on 1<sup>st</sup> March 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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



2. The pedestrian entrance and pathway linking the site to Carton Avenue shall be omitted from the development.

**Reason:** in the interest of the preservation of architectural heritage and the preservation of trees.

3. Materials, colours and textures of all external finishes shall be in accordance with the drawings and specifications hereby approved.

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

4. The extension to the school shall be used for educational purposes in accordance with the details received by the Planning Authority on 21/10/2022 and 01/03/2023. Swift bricks shall be implemented in the design to support swift nesting sites.

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

5. The landscaping scheme, as submitted to the Planning Authority shall be carried out within the first planting season following substantial completion of external construction works. 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 5 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.

6. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

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

7. Prior to the commencement of development, the developer shall enter into water and waste-water connection agreement(s) with Irish Water.

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

8. Prior to the commencement of development, the Applicant shall prepare and submit a revised Construction Management Plan to the Planning Authority for their written agreement. The Construction Management Plan shall deal with issues relating to traffic management, noise and dust mitigation measures, site hoarding and security, details of construction lighting and waste minimisation. The revised Construction Management Plan shall also clearly outline how access to school is to be coordinated/managed during the construction phase of the proposed development.

**Reason:** In the interest of clarity and to safeguard the amenities of property in the vicinity.

9. A minimum of 10% of the proposed car parking spaces shall be provided with electrical connection points to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fit out of charging points.

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

10. 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

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays 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.

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.

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Enda Duignan

Planning Inspector

02/04/2024

**Appendix 1 - Form 1**

**EIA Pre-Screening**

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	ABP-316427-23
<b>Proposed Development Summary</b>	The extension of an existing school and provision 2 no. pedestrian entrances along the south-east boundary from Carton Avenue together with all associated landscaping, site works and services.
<b>Development Address</b>	Presentation Girls' School, Dunboyne Road, Maynooth, Co. Kildare

<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>	Yes
	<b>No</b>	No further action required

**2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?**

<b>Yes</b>		EIA Mandatory EIAR required
<b>No</b>	X	Proceed to Q.3

**3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?**

	Threshold	Comment (if relevant)	Conclusion
<b>No</b>	x		No EIAR or Preliminary Examination required
<b>Yes</b>			Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>	Preliminary Examination required
<b>Yes</b>	Screening Determination required

Inspector: \_\_\_\_\_

Date: 02/04/2024