



An
Bord
Pleanála

Inspector's Report ABP-316778-23

Type of Appeal

Appeal under section 653J(1) of the Taxes Consolidation Act 1997, as amended, against the inclusion of land on the Residential Zoned Land Tax Map

Location

Lands at Mill Street, Maynooth, Co. Kildare

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

KCC-C108-45

Appellant(s)

Ladas Property Company Limited

Inspector

John Duffy

1.0 Site Location and Description

- 1.1. The subject lands are located within Maynooth town centre and lie between the Lyreen River which flows along the eastern boundary of the site and St. Mary's Catholic Church, which is a protected structure (RPS Ref. B05-58 refers) situated to the north-west of the site. The site fronts on to Mill Street on its western boundary which is marked by a low stone wall and is situated opposite a contemporary mixed-use development known as Manor Mills. The lands are brownfield in nature.

2.0 Zoning and Other Provisions

- 2.1. The lands were zoned A1 – 'Town Centre' in the Maynooth Local Area Plan 2013-2019 with an objective 'To provide for the development and improvement of appropriate town centre uses including retail, commercial, office, residential, amenity and civic use.'
- 2.2. While located proximate to the Maynooth Architectural Conservation Area, the lands are located outside of its boundary.
- 2.3. The lands are not affected by issues to a sufficient extent which would preclude the provision of development, including contamination or the presence of known archaeological or historic remains.
- 2.4. The Maynooth LAP expired in 2019 and was not incorporated into the Kildare County Development Plan 2023 – 2029. In this context the following Objectives of the Development Plan are noted:

CSO 9 - 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.

CSO 10 - Prepare a Joint Local Area Plan for Maynooth and Environs in conjunction with Meath County Council.

3.0 Planning History

- PA Ref.23/494 / ABP Ref. LH09.317665 refers to an application/appeal for construction of a LRD development comprising 115 apartments, creche, and restaurant/café. The Planning Authority recommended a grant of permission. First and third party appeals have been lodged in respect of the proposal. No decision has been issued by the Board to date.
- ABP Ref. TA09.306068 refers to a SHD application for 120 apartments, a creche and all associated site works which was refused permission in 2020.
- ABP Ref. TA09.301775 refers to a SHD application for a mixed-use development of 135 no. apartments, a creche, a restaurant/café and 190 basement car parking spaces which was refused permission in 2018.

4.0 Submission to the Local Authority

- 4.1. The appellant made a submission to the Local Authority seeking to have their lands removed from the draft map on the basis that the physical condition of the land precludes the provision of dwellings. Specifically, the site contains portions of land which are prone to flood events. This issue must be technically worked through which will result in significant delays and costs to the developer.

5.0 Determination by the Local Authority

- 5.1. The Local Authority determined that the site was in scope. The site is appropriately zoned for residential development in accordance with the Maynooth LAP 2013 - 2019. The site is serviced and has access. The site should not be scoped out due to flood risk as development may be possible depending on the location and extent of flooding on the site. The development management process along with application of

the Flood Risk Management Guidelines will determine whether the lands are suitable for development.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal, which reiterate the appellant's submission to the Local Authority:

- Pursuant to section 653B (c) of the Taxes Consolidation Act 1997 as amended the lands should be excluded from the draft map on the basis that its physical condition precludes the provision of dwellings. Specifically, the site contains portions of lands which are prone to flood events and this matter must be technically worked through which will result in significant costs and delays for the developer.
- Flood risk concerns were grounds of refusal in two previous applications on the site.

6.2. Planning Authority Response

- No response on file

7.0 Assessment

7.1. The comments raised in the appeal are noted and the report of the Planning Authority is noted.

7.2. The zoning of these lands was under the Maynooth Local Area Plan 2013 - 2019, and this plan has now expired. The Planning Authority has commenced the process of preparation of a new plan, however the current plan has expired.

7.3. The subject lands are therefore not zoned, and the lands cannot be considered to be suitable for inclusion on the RZLT maps.

8.0 Recommendation

- 8.1. I recommend that the Board set aside the determination of the Local Authority and that the indicated site be removed from the map.

9.0 Reasons and Considerations

- 9.1. The appellant requested that their lands be removed from the map on the basis that the physical condition of the land precludes the provision of dwellings given that the site contains portions of land which are prone to flood events.
- 9.2. The zoning of these lands was under the Maynooth Local Area Plan 2013-2019, and this plan has expired. The lands are therefore not zoned and should not be included on the relevant RZLT maps.

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

John Duffy
Planning Inspector

28th August 2023