



An
Coimisiún
Pleanála

Inspector's Report ABP-322728-25

Development	18 houses and associated site works. An NIS is submitted with the application.
Location	Doctor's Lane, Maynooth, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2461139
Applicant(s)	Randelswood Holdings Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Patrick Mulligan and Others
Observer(s)	None
Date of Site Inspection	24 th September 2025
Inspector	Elaine Power

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	5
3.4. Third Party Observations	6
4.0 Planning History.....	6
5.0 Policy Context.....	6
5.1. Development Plan	6
5.2. Natural Heritage Designations	10
5.3. EIA Screening	10
6.0 The Appeal	11
6.1. Grounds of Appeal	11
6.2. Applicant Response	13
6.3. Planning Authority Response	15
6.4. Observations	15
6.5. Further Responses.....	15
7.0 Assessment.....	15
8.0 AA Screening.....	26
9.0 Recommendation.....	28
10.0 Reasons and Considerations	28
11.0 Conditions	28
Appendix 1: Form 1: EIA Pre-Screening and Form 2 - EIA Preliminary Examination	
Appendix 2: Appropriate Assessment Stage 1 and Stage 2	
Appendix 3: WFD Impact Assessment: Stage 1 Screening.	

1.0 Site Location and Description

- 1.1. The appeal site is located on the southern side of Doctors Lane, within the town centre of Maynooth. The site is bound to the north by Doctor's Lane, which is a mixed use residential, commercial and community uses. To the south it is bound by the Glenroyal Shopping Centre. The anchor tenant of the shopping centre is Supervalu, which is immediately adjacent to the appeal site. Further south of the shopping centre is the Glenroyal Hotel. To the east the site is bound by residential street 'Doctor's Lane' and to the west the site is bound by a public car park. The surrounding area is mixed use in nature comprising a variety of retail, commercial, community and residential uses.
- 1.2. The appeal site is rectangular in shape and has a stated area of c. 0.278 ha. It was previously in use as a private car park and there is an existing vehicular access at the site's northern boundary with Doctor's Lane. The site is generally overgrown. The site boundaries comprise a variety of wall types and trees and vegetation.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 18 no. houses, 1 no. 2 bed 3 storey terraced house, 10 no. 2 bed with study 3 storey terraced houses and 7 no. 3 bed 3 storey terraced houses. The scheme includes a new vehicular access on Doctor's Lane landscaping, car and bicycle parking, boundary treatments, public lighting and all associated works to facilitate the development including the decommissioning and removal of the existing soakaway system serving No. 8 Main Street and replacement with a new SuDS system.
- 2.2. House Type B, B1, and B2 were revised way by of further information.
- 2.3. A Natura Impact Statement (NIS) was submitted with the application on lands.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 41 no. standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planners report dated 18th December 2024 raised concerns regarding the proposed development and recommended that further information be sought with regard to 2 no. items. These are summarised below.

1. Design and Layout

- (a) Address concerns regarding the limited separation distances between the blocks.
- (b) Submit additional soft landscaping proposals.

2. Transportation

- (a) Clarify the allocation of the 8 no. car parking spaces.
- (b) Address safety concerns raised in the RSA and submit a swept path drawing for emergency vehicles within the site.
- (c) Submit a revised drawing showing 2m wide footpaths within the scheme and along the site's boundary with Doctors Lane.
- (d) Address issues regarding dropped kerbing, tactile paving and cycle parking.
- (e) Resubmit a Stage 1 and 2 RSA.

3. Comment on the concerns raised by the third parties.

The Planners Report dated 18th March 2025 considered that all items of further information had not been adequately addressed and recommended that clarification of further information be sought. The item of clarification of further information is summarised below.

- 1. Submit revised drawings demonstration that the development is fully compliant with the minimum private open space standards outlined in SPPR 2 of the Compact Settlement Guidelines.

The scheme submitted by way of further information was considered to be significant, and the revised scheme was re-advertised on the 25th March 2025.

The Planners Report dated 9th May 2025 considered that the applicant had adequately addressed the concern raised in the clarification of further information and recommended that permission be granted subject to conditions.

3.2.2. *Other Technical Reports*

Transport, Mobility and Open Space Department: The Executive Engineers report dated 11th December 2024 recommended that further information be sought with regard to 7 no. items. These are summarised as (1) revised proposals for the provision of a loading bay and disabled car parking, (2) submit a swept path analysis for emergency vehicles, (3) revised drawings indicating the provision of 2m wide footpaths within the scheme and along the sites northern boundary with Doctor's Lane, (4) details of permeability to adjacent sites, (5) address issues regarding dropped kerbing, tactile paving and cycle parking, (6) submit a revised Construction Management Plan and (7) Revised RSA.

Report dated 3rd March 2025 raised no objection subject to standard conditions.

Kildare Fire Service: Report dated 5th December 2025 recommended that an auto-track analysis be carried out to verify the proposed layout.

Report dated 6th March 2025 raise no objection subject to a condition that the applicant obtain a Fire Safety Certificate/

Parks Section: Report dated 5th December 2024 raised no objection subject to standard conditions.

Water Services Department: Report dated 6th December 2024 raised no objection subject to standard conditions.

Environment Section: Report dated 5th December 2024 raised no objection subject to standard conditions.

Environmental Health Office: Report dated 25th November 2024 raised no objection subject to conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

Two submissions were received, from the residents of Doctor's Lane and Cllr. Angela Feeney, to the original application to the planning authority. Following the re-advertising of the proposed scheme an additional submission from the residents of Doctors Lane was received. The concerns raised are similar to those summarised in the appeal below.

4.0 Relevant Planning History

Reg. Ref. 10/65: Permission was granted in 2010 for the refurbishment of no. 8 main Street (Protected Structure) to provide a mixed-use development comprising a public house, 2 no. retail units, office use and 4 no. car parking spaces. The development included 103 no. surface level car parking spaces off Doctor's Lane.

5.0 Policy Context

5.1. Maynooth and Environs Joint Local Area Plan 2025-2031

The Maynooth and Environs LAP came into effect on the 1st April 2025.

The appeal site is zoned Town Centre with the associated land use objective to protect, improve and provide for the future development of the town centre. Residential uses are permitted in principle.

Table 3.9 of the LAP sets out the estimated residential capacity for Maynooth. It is estimated that 120 no. units can be provided on lands zoned A: Town Centre and B: Existing Residential / Infill within Maynooth Town Centre.

Section 3.2.1 of the LAP notes that the Eastern and Midland Regional Assembly (EMRA), in consultation with the MASP Implementation Group (July 2020), allocated an additional population growth target of 10,000 persons to Maynooth up to 2031.

Section 3.2.1 of the LAP notes that the Maynooth and Environs Area Based Transport Assessment (MEABTA), carried out modelling, incorporating the entire 10,000 additional population allocated under the MASP, in addition to Core Strategy allocations from each county. It found that, notwithstanding the delivery of public

transport investments, the road network of the town was unable to cope with the volume of traffic generated by the full additional 10,000 population allocation. A revised set of growth scenarios, using a figure of 50% of the MASP additional allocation (i.e., 5,000 persons), indicated that the roads infrastructure of the town would have the capacity to accommodate this level of increase, albeit still presenting challenges to both the road and the public transport network in the town.

The LAP proposes that 50% of the 10,000 additional population allocation (i.e., 5,000 persons) would be delivered over the lifetime of the LAP which equates to 625 no. persons per annum. This figure is in addition to the housing and population allocation for Maynooth provided for in the Core Strategy of the Kildare County Development Plan and the Meath County Development Plan. Overall, the LAP proposes a population increase of 9,906 persons over the lifetime of the LAP. In the interest of clarity, if the full 10,000 additional population was to be applied, then the proposed population increase in the town to Quarter 1 2031 would be 15,531 persons.

5.2. Kildare County Development Plan 2023 - 2029

Maynooth is identified as a Key Town. Table 2.7 of the Development Plan defines a Key Town as a large town that is economically active, that provide employment for the surrounding areas with high quality transport links and the capacity to act as regional drivers to complements the Regional Growth Centres.

Table 2.8 notes that the population of Maynooth increased by 6.6% from 14,585 persons in 2016 to 15,429 persons in 2021. The Core Strategy sets out a population target of 2,741 no. persons and 997 no units for the plan period. The additional population allocation for Maynooth of up to 10,000 persons from redistribution of NPF City and Suburbs allocation (EMRA, July 2020) is noted and the Development Plan state that the precise allocation that will be attributed to Maynooth will be determined at LAP stage on foot of detailed assessments and audits of available social and physical infrastructure.

Table 2.8 also sets out a recommended density target of 35-50 units for Maynooth.

Chapter 2 Core Strategy and Settlement Strategy, Chapter 3 Housing, Chapter 6 Infrastructure and Environmental Services, Chapter 11 Built and Cultural Heritage, Chapter 14 Urban Design, Placemaking and Regeneration and Chapter 15

Development Management Standards of the development plan are all considered relevant. The following policies and objectives of the development plan are also considered relevant:

- **HO P5:** Promote residential densities appropriate to its location and surrounding context.
- **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.
- **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.

5.3. ***Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019 - 2031***

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

The Strategy identifies key locations for population and employment growth, coupled with investment in infrastructure and services to meet those growth needs and devised a settlement strategy for the Region. The settlements comprise seven levels with Dublin City and Suburbs forming the top-level settlement for the region. Maynooth is identified as a Key Town.

Maynooth is identified as a 'Metropolitan Key Town' in the Dublin Metropolitan Area (DMA). A Metropolitan Area Strategic Plan (MASP) forms part of the Strategy, which identifies several large scale strategic residential and economic development areas, that will deliver significant development in an integrated and sustainable manner in the metropolitan area. Maynooth is located within the boundary of the MASP.

The MASP Transitional Population Projections, allocated an additional population of up to 10,000 persons to the Key Town of Maynooth up to the year 2031.

5.4. ***National Planning Framework First Revision (2025)***

The National Planning Framework is a high-level strategic plan for shaping the future growth and development of the county to 2040. It is a framework to guide public and private investment, to create and promote opportunities for our people, and to protect and enhance our environment - from our villages to our cities, and everything around and in between.

The major policy emphasis on renewing and developing existing settlements established under the NPF 2018 will be continued, rather than allowing the continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centres and smaller villages. It includes revised figures of 50,000 units per annum in the years to 2040. The NPF was revised to allow planning for an additional 50,000 people in Ireland between 2022 and 2040.

It states (page 152) that it would be reasonable in the context of a Metropolitan Area Strategic Plan and as part of phasing-in the transition to achieving urban consolidation and brownfield targets, that a proportion of up to 20% of the phased population growth targeted in the principal city and suburban area, could potentially be accommodated in the wider metropolitan area i.e. outside the city and suburbs or contiguous zoned area. This would be in addition to growth identified for the Metropolitan area.

The following NPO is considered relevant.

National Policy Objective 10 Deliver Transport Orientated Development (TOD) at scale at suitable locations, served by high capacity public transport and located within or adjacent to the built up footprint of the five cities or a metropolitan town and ensure compact and sequential patterns of growth.

5.5. ***Climate Action Plan, 2025***

The Climate Action Plan was published in June 2019 by the Department of Communications, Climate Action and Environment. The Climate Action Plan 2025 (CAP25) is the fourth annual update to Ireland's Climate Action Plan 2019. This plan is prepared under the Climate Action and Low Carbon Development (Amendment) Act

2021. CAP25 builds upon [Climate Action Plan 24](#) (CAP24) by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with CAP24.

5.6. ***Climate Action and Low Carbon Development (Amendment) Act 2021***

This Act amends the Climate Action and Low Carbon Development Act 2015. It sets out the national objective of transitioning to a low carbon, climate resilient and environmentally sustainable economy in the period up to 2050. The Act commits us, in law, to a move to a climate resilient and climate neutral economy by 2050. An Bord Pleanála is a relevant body for the purposes of the Climate Act. As a result, the obligation of the Commission is to make all decisions in a manner that is consistent with the Climate Act.

5.7. ***Section 28 Ministerial Guidelines***

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are as follows.

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024.
- Quality Housing for Sustainable Communities: Design Guidelines, 2007.

5.8. ***Other***

- Design Manual for Urban Roads and Streets (DMURS December 2013) (as updated) (Including Interim Advice note Covid-19 May 2020).

5.9. **Natural Heritage Designations**

- 5.9.1. The appeal site is not located within or adjacent to a designated site. The nearest designed site is the Rye Water Valley/Carton SAC (001398), located c. 1km from of the appeal site.

5.10. **EIA Screening**

The proposed development has been subject to preliminary examination for environmental impact assessment, please refer to Appendix 1 of this report. Having

regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The main grounds raised in the third-party appeal from the residents of Doctors Lane (Patrick Mulligan and others) are summarised below. The appeal includes the information submitted to the planning authority during the application phase. This includes 2 no. legal opinions which were submitted with the appeal and in response to the further information request, a booklet of photographs, a title deed and a letter providing details regarding the planting of trees and boundary fencing which form the boundary with the appeal site on Doctors Lane.

Leal Issue

- The proposed development includes a strip of land at the sites eastern boundary which the applicant does not have sufficient legal interest. The sleeper posts (boundary treatment) on the ground identify the site boundary. These were not picked up on the applicant's survey as they are not visible overhead due to the mature trees. There is a physical boundary fence and iron marker in situ that denotes the boundary. The legal opinion addresses the boundary issue.
- The appellants have not given consent to the inclusion of this portion of land to be included in the application.
- This section of the site should be omitted from the scheme.
- The unauthorised use of the site as a car park should be regularised prior to a grant of permission. The legal issue addresses the existing unauthorised development.

Design Approach

- The strip of land at the site's eastern boundary, which is outside of the applicant's control, incorporates mature trees, which were planted by the appellants decades ago and form part of the communal open space area for residents of Doctors Lane. The loss of mature trees would alter the sylvan character of Doctor's Lane and negatively impact on wildlife including nesting birds, squirrels and hedgehogs.
- Due to the limited separation distances, the loss of trees and the height of the proposed development it would overlook the existing houses on Doctors Lane.
- The height of the development is excessive and would be visually dominate and overbearing.
- The number of units is excessive.
- There is no usable open space provided within the site.
- The scheme does not integrate into the streetscape.

Transportation

- Insufficient car parking spaces have been provided within the site to accommodate the proposed development.
- Concerns regarding the proximity of the vehicular access to the proposed development to the existing access to Doctors Lane which could result in a vehicular conflict.
- Doctors Lane is a private laneway. There is no benefit to connecting the site to Doctor's Lane and consent for access to this street from the proposed development. Therefore, this link should be omitted from the scheme.

Other Issues

- The appellants residential Street 'Doctors Lane' has been incorrectly identified as Newmans Place on the submitted documentation.

6.2. Applicant Response

The applicant's response was received on the 4th July 2025 and welcomes the decision of Kildare County Council to grant permission. It is noted that the submission includes a response to an appeal that was subsequently deemed to be invalid. The applicant's response is summarised below:

Principle of Development

- The proposed development will assist Kildare County Council achieve their housing targets for Maynooth and the housing targets set out in the NPF First Revision.
- The existing car park use on the site was permitted under Reg. Ref. 10/65.

Design Approach

- This is a high accessible, infill site that is zoned Town Centre. As such increased density and heights are encouraged in national and local policy.
- The scheme has a maximum height of 3-storeys. It has been designed to respect the existing height and character of the area, particularly noting its location adjacent to an Architectural Conservation Area (ACA). A Heritage Impact Assessment was submitted with the application which considered that the scheme would have no impact on the ACA. CGI's and contiguous elevations were also submitted in support of the application. The proposed scheme would not be incongruous.
- There will be no overlooking of existing dwellings on Doctors Lane. There is a minimum separation of c. 18m from the rear of the proposed units and the front of the existing dwellings. This is in excess of the 16m separation distance required under SPPR1 of the Compact Settlement Guidelines, and which relates to rear opposing windows.
- The height is stepped with 2-storey element provided at the site's eastern boundary. The planning authority raised no concerns regarding the height of the development.

- The proposed development has been assessed within the application documentation and by the planning authority and would not result in an overbearing impact.
- A Daylight and Sunlight Assessment was submitted with the application which confirms that the proposal would result in a minimal reduction in daylight and sunlight levels to adjacent buildings with a negligible impact.
- The eastern boundary would comprise a 2m high solid wall.
- The trees to be removed are located within the site boundary. These trees are Category C trees. There are tree planting proposals within the scheme which would enhance the ecological value of the site and increase the biodiversity of the area.
- Existing trees at the sites western boundary are located on lands outside the applicant's boundary and would be retained and protected during the construction phase.

Transportation

- The 8 no. car parking spaces would be allocated to the larger 7 no. 3-bed units. The remaining 1 no. car parking space would be an accessible visitor space. The Development Plan car parking standard of 1 no. space per unit is a maximum recommendation.
- Given the sites town centre location, proximity to public transport and the provisions of the Compact Settlement Guidelines the provision of 0.44 no. spaces per units is appropriate. The planning authority raised no concerns regarding the car parking provision.

Drainage

- Uisce Eireann have provides a Confirmation of Feasibility letter which indicates there is capacity in the public network to accommodate the proposed development.
- The development incorporates SuDS measures and no issues in relation to a drainage connection was raised by Kildare County Council.

Legal Issues

- The application boundary is true and correct and within the ownership of the applicant. A legal note is attached as Appendix 1 of the response which states that the legal title boundary is in no way ambiguous. Any disputes relating to the title should be dealt with in the Courts and not as a planning matter.

Other Issues

- As stated in the response to further information request, it is acknowledged that the adjacent Doctors Lane residential development to the east was incorrectly labelled Newman Place. This was based on the information provided on the OS Ireland Maps.

6.3. Planning Authority Response

The Planning Authority's response dated 4th July 2025 notes the content of the third-party appeal and confirms its decision and requests that the Commission refer to the Planners' Report, reports of the various technical departments and prescribed bodies in relation to the assessment of this planning application.

6.4. Observations

None

6.5. Further Responses

None

7.0 Assessment

- 7.1. Having examined the appeal details and all other documentation on file, including all of the submissions received in relation to the appeal, the report of the local authority and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development

- Design Approach
- Residential Amenity
- Transportation
- Drainage
- Legal Issues
- Other Issues

7.2. In the interest of clarity this assessment relates to the revised design and layout of the proposed development, as submitted by way of clarification of further information.

7.3. ***Principle of Development***

7.3.1. Maynooth and Environs Joint Local Area Plan 2025-2031 sets out the zoning objectives for Maynooth. The appeal site is zoned Town Centre with the associated land use objective *to protect, improve and provide for the future development of the town centre*. Residential uses are permitted in principle.

7.3.2. The Core Strategy of the Development Plan sets out a population target of 2,741 no. persons and 997 no. units for Maynooth over the plan period. The additional population allocation for Maynooth of up to 10,000 persons from redistribution of NPF City and Suburbs allocation (EMRA, July 2020) is noted and the Development Plan which states that the precise allocation that will be attributed to Maynooth will be determined at LAP stage on foot of detailed assessments and audits of available social and physical infrastructure. The LAP proposes a population increase of 9,906 persons over the lifetime of the LAP. I am satisfied that the proposed development of 18 no. houses in a town centre location would be in accordance with the population targets of the Core Strategy of the Development Plan and the LAP.

7.3.3. The third parties raised concerns that the existing use on the site is unauthorised and should be regularised prior to the granting of permission. The applicant states that the existing vacant car park on the site was permitted under Reg. Ref. 10/65 and has not been in use since December 2022. The planning history of the site is outlined in Section 4 above. The grant of a car park on the appeal site under Reg. Ref. 10/65 is noted. Notwithstanding this, enforcement falls under the jurisdiction of the planning authority and, therefore, is outside of the remit of this appeal and does not form part

of my assessment. Any concerns regarding an unauthorised use within the site should be referred to Kildare County Council.

7.4. Design Approach

Density

- 7.4.1. The proposed scheme has a density of c. 65 dph based on a site area of 0.278 ha. Concerns are raised by the third parties that the density is excessive and out of character with the area. Policy HO P5 of the Development Plan aims to promote residential densities appropriate to their location and surrounding context. The Core Strategy of the Development Plan sets out a recommended density target of 30-35 units per ha to achieve the population and unit target for Maynooth. It is noted that the proposed density is significantly higher than the average target for Maynooth of 30-35 units per ha. However, this a figure is based on achieving a population target of 2,741 no. persons and 997 no. units for Maynooth over the plan period and does not take account of the additional population allocation for Maynooth from redistribution of National Planning Framework City and Suburbs allocation (EMRA, July 2020).
- 7.4.2. The LAP proposes a population increase of 9,906 persons over the lifetime of the LAP, which would require a higher density than 30-35 unit per ha in Maynooth to achieve this population target. The LAP does not set out density targets for lands zoned town centre in Maynooth. Section 3.4.2 of the LAP states that in each application *the overall density of development and number of units permissible will be determined at detailed design stage based on a full assessment of site characteristics, local conditions, design sensitivities and the overall quality of the scheme.*
- 7.4.3. The Compact Settlement Guidelines recommends residential densities in the range of 40 dph - 100 dph for town centre sites within Key Towns and Large Towns with a population of 5,000+ persons. Therefore, the proposed density is in accordance with the provisions of the Compact Settlement Guidelines.
- 7.4.4. Overall, I have no objection to the proposed density and consider it appropriate at a town centre site and in accordance with national and local policy.

Design and Layout

- 7.4.5. Concerns are raised by the third parties that the height of the scheme is excessive and that it does not integrate into the streetscape.
- 7.4.6. The appeal site comprises a brownfield, infill site in the town centre of Maynooth. The site was previously in use as a car park. However, it is currently vacant and overgrown. The surrounding area has a mixed-use character with a variety of building types and uses, including residential, commercial, retail and community. The proposed scheme comprises the construction of 18 no. houses, with a contemporary design approach, generally laid out in a linear pattern on either side of a pedestrian access route running in a north – south direction through the site. Vehicular access is proposed from Doctor's Lane to the north of the site, with 8 no. car parking spaces and a hardstanding, public plaza area provided within the northern portion of the site. I have no objection to the proposed layout and consider it appropriate at this infill, town centre site.
- 7.4.7. The proposed external materials are high quality and include light grey or brown brick. I have no objection to the proposed materials. However, to ensure a high-quality finish it is recommended that a condition be attached to any grant of permission that the final details of the materials be agreed with the planning authority.
- 7.4.8. Each house has a stepped approach to height and contains single, 2-storey and 3-storey elements, with a maximum height of c. 9.6m. While it is noted that the proposed houses are partly 3-storeys and, therefore, above the prevailing 2-storey height. It is acknowledged that the prevailing height in Maynooth town centre is 2-storeys. However, I am satisfied that the proposed height in combination with the contemporary design approach aids with placemaking and legibility and is appropriate at this brownfield, infill, town centre site and would not result in any negative visual impacts on the village. Therefore, I do not agree with the third parties that the height is excessive or that the scheme would be visually dominate and obtrusive at this location.
- 7.4.9. The unit mix comprises 11 no. (61%) - 2-beds and 7 no. (32%) 3-beds. The scheme incorporates 5 no. House Types ranging in size from 94sqm to 149sqm. House Type A and A1 are located on the eastern side of the site and House Type B, B1 and B2 are located on the western side of the site. House Types A1, B1 and B2 are dual

fronted to provide passive overlooking with the scheme. I have no objection to the proposed unit mix and house types.

- 7.4.10. The information submitted indicates that all residential units reach and exceed the minimum requirements set out in the Quality Housing for Sustainable Communities Guidelines, 2007.

Open Space

- 7.4.11. The third parties raised concerns that there is no usable open space within the site. Section 15.6.6 of the Development Plan states that public open space should be provided at a rate of 15% of the total site area. It further states that a relaxation of this standard may be considered on brownfield sites where higher residential densities are required. On such sites a minimum of 10% would be required which includes 4% for biodiversity. The proposed scheme incorporates a public plaza at the sites northern boundary with Doctors Lane and incorporates vegetation and trees within the scheme. Given the characteristics of the appeal site, I have no objection to the quantum or quality of the public open space provision.

- 7.4.12. An Arboricultural Assessment was submitted in support of the application. It notes the row of Leyland and Lawson cypress trees along the site's eastern boundary with Doctor's Lane. These trees are Category C (low value) trees. It is proposed to remove the Leyland and Lawson cypress tree group at the sites eastern boundary to facilitate the proposed development. Serious concerns are raised by the third parties regarding the loss of mature trees and an associated negative impact on biodiversity. Given the low quality of the trees to be removed and the proposed high quality tree planting within the site and the sites town centre location, I have no objection to their loss and consider that any impact on biodiversity would be negligible. The concerns raised over the legal site boundary and the impact of the loss of the trees on residential amenity are addressed below. The Arboricultural Assessment also recorded a row of mature purple beech and sycamore trees to the west of the appeal site. These trees are located within the neighbouring public car park and overhang the appeal site. They are Category B (Moderate Quality) and C (Low Quality) trees. It is proposed to prune these trees to facilitate the proposed development. However, these trees would be protected during the construction phase.

7.4.13. Each dwelling is also provided with private open space. Table 15.2 of the Development Plan sets out minimum private open space requirements for dwellings of 55sqm for a 2-bed house and 75 sqm for a 3-bed house. Section 15.6.7 notes that exceptions may be permissible in relation to the development of inner urban infill sites and the redevelopment of brownfield sites. House Type A on the eastern side of the comprise the 3-bed house type. It is noted that these units are provided with a traditional rear garden with private open space in excess of the development plan standards. House Type A1, and B, B1 and B2 are 2-bed units. The private open space provision for the 2-bed houses is provided in a combination of rear private open space and in the form of balconies. Given the characteristics of the appeal site the reduction of private open space is considered to be in accordance with the provisions of Section 15.6.7 of the Development plan.

7.4.14. In addition, SPPR2 of the Compact Settlement Guidelines also sets out a minimum private open space standards for houses. In this regard of 30sqm for a 2-bed house and 40sqm for a 3-bed house. Private open space provisions for each of the proposed houses reach and exceed these standards. Therefore, I have no objection to the quantum of private open space provided for each house.

Conclusion

7.4.15. Overall, I have no objection in principle to the proposed design approach and consider that it is well considered having regard to the site's zoning objectives, the infill nature of the site and the surrounding urban context. The redevelopment of this underutilised town centre site is welcomed and represents a high-quality, contemporary scheme, that would support the consolidation of the urban environment. In my opinion the scheme represents a reasonable response to its context and would be in accordance with the provision of Policy HO P6 of the Development Plan to promote and support residential consolidation and sustainable intensification and regeneration through, inter alia, the consideration of applications for infill development.

7.5. **Residential Amenity**

Overlooking and Overbearing Impact

- 7.5.1. The third parties raised concerns that due to the limited separation distances, the loss of trees and the height of the proposed development it would result in overlook the existing houses on Doctors Lane. Concerns area also raised regarding an overbearing impact.
- 7.5.2. The appeal site is bound to the north by a public road (Doctors Lane) and to the south by the Glenroyal shopping centre complex. Therefore, no issues of residential amenity arise to the north or south. To the west the site is bound by a public car park. The rear elevation of House Type A and A1 are located a minimum of c. 6.5m from the site's western boundary. I am satisfied that the proposed separation distance would not impede the future development potential of the lands to the west of the appeal site.
- 7.5.3. To the east the site is bound by Doctors Lane. The rear elevation of the proposed houses are located c. 2.5m from the site's eastern boundary and c. 19m from the front elevation of the existing dwellings on Doctors Lane. Given the separation distances and the orientation of the existing dwellings I am satisfied that that the proposed scheme would not result in any undue overlooking of the existing dwellings.
- 7.5.4. Having regard to the separation distances and the relatively limited height of the proposed scheme I am also satisfied that the proposed development would not have an overbearing impact on any existing dwelling.
- 7.5.5. It is noted that the loss of the trees at the sites eastern boundary with Doctors Lane would have a visual impact on the existing residents and that the proposed scheme would be visible from Doctors Lane to the east. The revised boundary treatment is a mixture of a 2m high wall with pillars and capping and a 1.2m high railing. The 2m high wall is proposed at the rear of the proposed dwellings and the railing is proposed within communal areas. In my opinion the mixture of boundaries is appropriate at this urban location. However, to ensure a high-quality finish it is recommended that a condition be attached to any grant of permission that the final boundary treatments be agreed with the planning authority.

Daylight and Sunlight

- 7.5.6. The applicant's Daylight and Sunlight Report describes the performance of the proposed scheme against the BRE guidelines 2022 and BS EN 17037:2018+A1:2021 Daylight in Buildings, also referred to as the UK Annex.
- 7.5.7. With regard to the internal layout of the scheme Section 6 of the applicant's report indicates that all habitable rooms were assessed for daylight provision by illuminance method, which assesses the daylight levels over at least 50% daylight hours in the year and uses a weather file data set. The information submitted indicates that all of the 88 rooms assessed achieve recommended target of 200 lux for a kitchen, 150 lux for a living room and 100 lux for a bedroom and office.
- 7.5.8. Section 7 of the applicant's report assesses the internal layout of the scheme for access to sunlight. The modelling indicates that all 18 no. proposed houses have a living space which achieves the minimum recommended 1.5 no. hours of direct sunlight. When the existing trees are included in the model 17 no. (94%) of the proposed houses have a living space which achieves the minimum recommended 1.5 direct sunlight hours.
- 7.5.9. The BRE guidelines also state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. Section 8 of the applicant's report indicates that the public open space within the site would exceed 2 hours of sunlight over 50% of the amenity space on the 21st March while 83.3% of the private amenity space within the houses achieve the target sunlight hours to the private amenity space.
- 7.5.10. Section 3 of the Daylight and Sunlight Assessment assessed the potential impact of the development on the existing neighbouring properties. In general, Vertical Sky Component (VSC) is a measure of the amount of sky visible from a given point (usually the centre of a windows) within a structure. The BRE guidelines state that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value occupants of the existing building would notice the reduction in the amount of skylight. The BRE guidelines state that if a proposed development falls

beneath a 25° angle taken from a point 1.6m above ground level from any adjacent properties, then the no further analysis is required in relation to impact on surrounding properties as adequate skylight will still be available. The information submitted indicates that there are no existing properties that require further analysis as the impact on VSC for the existing dwellings would be negligible.

7.5.11. Section 4 of the report addressed the impact of the proposed scheme on access to sunlight for adjacent properties. The BRE notes that for a proposed development to have a noticeable impact on the Annual Probable Sunlight Hours (APSH) the value needs to be reduced below the recommended 25% annual or 5% in the winter period from September to March. The information submitted indicates that due to the relatively limited height of the proposed scheme and the separation distances to adjacent properties that any reduction in available sunlight would be negligible and meets the recommendations of the BRE guidelines BR209:2022.

7.5.12. In conclusion, I am satisfied that the proposed development would be in keeping with the provisions of those Guidelines and that the proposed residential units and open spaces would have sufficient daylight and sunlight to provide an acceptable standard of residential amenity for future occupants and would not result in any undue overshadowing of existing properties.

7.6. *Transportation*

7.6.1. A Traffic Impact Assessment was submitted with the application. The information provided clearly indicates that the proposed development would have a negligible impact on the capacity of the surrounding road network and it is noted that no concerns were raised by the planning authority or the third parties in this regard.

7.6.2. Concerns are raised by the third parties that insufficient car parking spaces have been provided to serve the proposed development. It is proposed to provide 8 no. communal car parking spaces within the northern portion of the site. In response to the appeal the applicant states that it is envisioned that 7 no. spaces would be permanently assigned to the 3-bed units and that 1 no. space would be an accessible space reserved for visitors.

7.6.3. Table 15.8 of the Development Plan sets out maximum car parking spaces for a variety of uses. It sets out a recommended standard of 1 no. space per unit with 3 or less

bedrooms. Therefore, a maximum of 18 no. spaces would be permissible on the appeal site. The Development Plan states that the maximum provision of parking should not be viewed as a target and that lower rates of parking and car-free developments should be considered in the first instance.

- 7.6.4. In addition, Section 15.7.8 of the Development Plan notes that residential development in areas within walking distances of town centres (800 metres i.e. a 10-minute walk) and high-capacity public transport services should be designed to provide for fewer parking spaces, having regard to the need to balance 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. Given the sites town centre location, I have no objection to the proposed quantum of car parking and consider it in accordance with the provisions of Section 15. 7.8 of the Development Plan. It is also noted that the planning authority raised no concerns regarding the quantum of car parking.
- 7.6.5. Concerns are raised by the third parties regarding a potential for vehicular conflict due to the proximity of the proposed vehicular access to the existing access to Doctors Lane. The proposed vehicular entrance is located c. 20m west of the existing access to Doctors Lane to the east and has been designed in accordance with DMURS. Doctors Lane is a one-way (east to west) street with a number of vehicular entrances. It has a straight vertical and horizontal alignment. Having regard to the urban nature and characteristics of Doctors Lane I am satisfied that the proposed vehicular entrance would not result in a traffic hazard.
- 7.6.6. Concerns are also raised by the third parties regarding a proposed pedestrian link between the appeal site and the residential development on Doctors Lane to the east. The drawings submitted indicate that a footpath would be provided up to the site's eastern boundary. However, the landscape plans clearly show boundary treatments including a 2m high wall and a 1.2m high railing along the site's eastern boundary with Doctors Lane. There are no proposals to provide a pedestrian connection. It is also noted that Doctors Lane to the east of the appeal site is a private street. Therefore, a pedestrian route would require third party consent. To address the concerns of the third parties it is recommended that a condition be attached to any grant of permission that the final details of the boundary treatments be agreed with the planning authority by way of condition.

7.7. *Drainage*

7.7.1. There is an existing private surface water soakaway within the site boundary which serves the appeal site and no. 8 Main Street, which is also within the ownership of the applicant. As part of the proposed development, it is proposed to decommission the existing soakaway. It is proposed that surface water runoff from the proposed scheme and No. 8 Main Street would drain via new nature-based SuDs measures within the appeal site to the public sewer under Doctors Lane. I have no objection to the revised drainage arrangement within the site, and it is noted that the Water Services Department raised no objection.

7.8. *Legal Issues*

Concerns are raised by the third parties that a strip of land at the sites eastern boundary is outside of the ownership of the applicant and should be omitted from the scheme. A legal opinion was submitted with the appeal. In response to the appeal the applicant considers that the application boundary is true and correct and within the ownership of the applicant. A legal note is attached as Appendix 1 of the response. While the dispute over the legal ownership of a portion of the site is noted, it is my opinion that they are matters that fall outside of the planning code and should be addressed through the courts. However, having regard to the provisions of Section 34(13) of the Planning and Development Act it should be noted that a person shall not be entitled solely by reason of a permission to carry out any development.

7.9. *Other Issues*

Concerns are raised by the third parties that the residential Street 'Doctors Lane' to the east of the appeal site was incorrectly identified as Newmans Place on the submitted documentation. In response to the appeal the applicant notes that this was an error based on information on the OS maps, which was rectified at further information stage. The incorrect naming of Doctor's Lanes on documents and drawings submitted with the original application is noted. I am satisfied that this is a minor discrepancy and does not have an impact on my assessment of the proposed development.

8.0 Water Framework Directive (WFD) Screening

8.1. Please refer to Appendix 4 of this report. The river body Lyreen_020 (IE_EA_09L020035) is approximately 250m north of the subject site. This waterbody had a Poor water body status and is categorised as being at risk (2016-2021). The groundwater body is Dublin (IE_EA_G_008). The groundwater had a Moderate status and is currently under review.

8.2. No water deterioration concerns were raised in the planning appeal.

8.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

8.4. The reason for this conclusion is as follows:

- The relatively small scale and nature of the development
- Location-distance from nearest water bodies
- Lack of direct hydrological connections

8.4.1. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

9.0 Appropriate Assessment

9.1. *Appropriate Assessment Screening (Stage 1)*

9.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I

conclude that the proposed development could result in significant effects on the Rye Water Valley / Carton SAC in view of the conservation objectives of the qualifying interest features of the site.

It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 of the proposed development is required.

9.2. ***Natural Impact Assessment (Stage 2)***

9.3. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Rye Water River / Carton SAC in view of the conservation objective of that site and that Appropriate Assessment under the provisions of S177U/ 177AE was required. Following an examination, analysis and evaluation of the NIS, all associated material submitted and taking into account submission from the third parties, I consider that adverse effects on site integrity of the Rye Water River SAC can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

9.4. My conclusion is based on the following:

- Detailed assessment of construction, operational and decommissioning impacts.
- An assessment of in-combination effects
- Effectiveness of mitigation measures proposed
- The proposed development will not affect the attainment of conservation objectives for the Rye Water River / Carton SAC or prevent or delay the restoration of favourable conservation condition

9.5. It is also noted that the planning authority concluded that the proposed development, subject to mitigation measures outlined in the NIS, would not adversely affect, either directly or indirectly, the integrity of any European Site, either alone or in combination with other plans or projects.

10.0 Recommendation

It is recommended that permission be granted subject to conditions.

11.0 Reasons and Consideration

Having regard to the subject site's town centre zoning objective, the brownfield and infill nature of the site, to the existing pattern of development and to the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 20th day of February 2025 and the 21st day of March 2025, 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 mitigation measures contained in the submitted Natura Impact Assessment (NIS) shall be fully implemented.

Reason: To protect the environment.

3. Prior to commencement of development the applicant shall submit and agree in writing all boundary treatments with the planning authority.

Reason: In the interest of residential and visual amenity and to secure the integrity of the proposed development.

4. Prior to commencement of development the applicant shall submit for the written agreement of the planning authority details of materials, colour and texture of all the external finishes to the proposed residential units. External finishes of the dwellings shall include high quality elements of brick, cladding or other suitable external materials.

Reason: In the interest of visual amenity and to ensure an appropriately high standard of development.

5. The landscaping scheme 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 five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, 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. 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. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility.

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

Reason: In the interest of amenity and public safety.

8. 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. Details of the ducting shall be submitted to and agreed in writing by the planning authority prior to the commencement of development.

Reason: In the interests of visual and residential amenity

9. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the commencement of development, the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

10. Prior to the commencement of development, the developer shall enter into a Connection Agreements with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

11. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

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

12. The communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future 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.

13. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

14. 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 proper planning and sustainable development

15. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

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

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that

the requirement of this planning condition has been discharged in respect of each specified housing unit.

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

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

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

18. 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.

19. 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.

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.

Elaine Power

Senior Planning Inspector

26th September 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	322728
Proposed Development Summary	The construction of 18 no. houses all associated works to facilitate the development including the decommissioning and removal of the existing soakaway system serving No. 8 Main Street and replacement with a new SuDS system.
Development Address	Doctors Lane, Maynooth, Co. Kildare.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	10 (b)(i): Construction of more than 500 dwelling units 10 (b)(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. 15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	322728-25
Proposed Development Summary	The construction of 18 no. houses all associated works to facilitate the development including the decommissioning and removal of the existing soakaway system serving No. 8 Main Street and replacement with a new SuDS system.
Development Address	Doctors Lane, Maynooth, Co. Kildare.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development comprises the construction of 18 no. houses on a c.0.278 ha site, which is zoned for Town Centre. The proposed development would use the public water and drainage services of Uisce Eireann and Kildare County Council. The nature and scale of the proposed development is not regarded as being significantly at odds with the surrounding pattern of development. Given the nature and scale of the proposed residential development I am satisfied that it would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic,	The appeal site is located on a brownfield site within the town centre of Maynooth. The site is a brownfield site was previously used as a private car park. It is currently overgrown. There are no structures within the site. It does not host any species of conservation interest. This site is not located on, in or adjacent to any ecologically sensitive site and does not have the potential to impact any such sites. The site is located adjacent to Maynooth Architectural Conservation Area (ACA). However, the site is not located within the ACA.

cultural or archaeological significance).	Having regard to the location of the site and the nature and scale of the development there is no potential to significantly affect environmental sensitivities in the area, including protected structures or the Maynooth ACA.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment.
Conclusion	
Likelihood of Significant Effects	
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 2:

Appropriate Assessment (Stage 1 and Stage 2)

Screening for Appropriate Assessment Test for likely significant effects

Brief description of project

A description of the project is summarised in Section 2 of my report. In summary, the proposed development comprises the construction of 18 no. houses and all associated works including the decommissioning and removal of the existing soakaway system serving No. 8 Main Street and replacement with a new SuDS system.

Brief description of development site characteristics and potential impact mechanisms

The site is a brownfield site which was previously in use as a private car park. It is located within the town centre of Maynooth, Co. Kildare. It has a stated total area of c. 0.278ha. There are no watercourses within or immediately adjacent to the site.

There is an existing private surface water soakaway within the site boundary which serves the appeal site and no. 8 Main Street, which is also within the ownership of the applicant. This soakaway would be decommissioned as part of the proposed development. Surface water runoff from the proposed scheme and No. 8 Main Street would drain via new nature based SuDS measures within the appeal site to the public sewer under Doctors Lane. The public network discharges to the River Lyreen c. 250m north of the appeal site. The River Lyreen discharges to the Rye Water River c. 1km downstream of the outfall location. Therefore, there is an indirect hydrological pathway to the Rye Water Valley/Carton SAC.

The Rye Water River ultimately discharges to the River Liffey, which connects to the designated site within Dublin Bay.

Foul wastewater will be discharged to an existing foul sewer on Doctor's Lane where it will join the public system for treatment at the Lower Liffey Valley (LLA) Sewerage System Wastewater Treatment Plant (WWTP) at Leixlip.

Screening Report / Natura Impact Statement

An Appropriate Assessment Screening and a Natura Impact Assessment were submitted with the application.

Relevant Submissions

No concerns were raised by the planning authority or the third parties.

Identification of relevant European sites using the Source-pathway-receptor model

The subject site is not located within or immediately adjacent to a designated site. Table 1 of the applicants AA Screening Report identified the Rye River Valley / Carton SAC is within 1km of the appeal site. It also indirectly hydrologically connected to the designated sites within the inner section of Dublin Bay, namely South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay, and River Tolka Estuary SPA and North Bull Island SPA and the North-West Irish Sea SPA which could reasonably be considered downstream of the proposed development.

Site synopsis and conservation objectives are provided in the applicants AA Screening Report and can be found on the NPWS website (www.npws.ie)

Table 1: European Sites within the Zone of Influence.

European Site (code)	Summary of Qualifying Interests	Distance from the development	Ecological connections (source, pathway, receptor)	Consider further in screening Y/N
<i>Rye Water Valley / Carton SAC (001398)</i>	Petrifying springs with tufa formation. Narrow-mouthed Whorl Snail Desmoulin's Whorl Snail	1km	Yes. Indirect hydrological connect via the public surface water network.	Yes
<i>South Dublin Bay SAC (000210)</i>	Mudflats and sandflats not covered by seawater at low tide Annual vegetation of drift lines Salicornia and other annuals colonising mud and sand Embryonic shifting dunes	25km	Yes. Indirect and distant hydrological connect via the public surface water network and the public foul water network.	No
<i>South Dublin Bay and River Tolka Estuary SPA (004024)</i>	Light-bellied Brent Goose Oystercatcher Ringed Plover Grey Plover Knot Sanderling Dunlin Bar-tailed Godwit Redshank Black-headed Gull	24km	Yes. Indirect and distant hydrological connect via the public surface water network and the public foul water network.	No

	Roseate Tern Common Tern Arctic Tern Wetlands & Waterbirds			
North Dublin Bay SAC (000206)	Mudflats and sandflats not covered by seawater at low tide Annual vegetation of drift lines Salicornia and other annuals colonising mud and sand Atlantic salt meadows (Glauco-Puccinellietalia maritimae) Petalwort Petalophyllum ralfsii Mediterranean salt meadows Embryonic shifting dunes Shifting dunes along the shoreline with Ammophila arenaria Fixed coastal dunes with herbaceous vegetation Humid dune slack	27km	Yes. Indirect and distant hydrological connect via the public surface water network and the public foul water network.	No
North Bull Island SPA (004006)	Light-bellied Brent Goose Shelduck Teal Pintail Shoveler Oystercatcher Golden Plover Grey Plover Knot Sanderling Dunlin Black-tailed Godwit Bar-tailed Godwit Curlew Redshank Turnstone Black-headed Gull Wetlands	27km	Yes. Indirect and distant hydrological connect via the public surface water network and the public foul water network.	No

North-West Irish Sea SPA (004236)	Red-throated Diver Great Northern Diver Fulmar Manx Shearwater Cormorant Shag Common Scoter Black-headed Gull Common Gull Lesser Black-backed Gull Herring Gull Great Black-backed Gull Kittiwake Roseate Tern Common Tern Arctic Tern Guillemot Razorbill Puffin Little Gull Little Tern	29km	Yes. Indirect and distant hydrological connect via the public surface water network and the public foul water network.	No
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Likely effects of the project, alone or in combination on European Sites

The development is not located within or immediately adjacent to a designated site and, therefore, does not result in any direct effects on the site.

There is a distant and indirect hydrological link between the appeal site and the designated sites within Dublin Bay and the Irish Sea. However, it is my opinion that given the nature and scale of the proposed development, the nature of the qualifying interests, the significant separation distances, the indirect hydrological connection and the volume of water (dilution factor) separating the appeal site from the designated sites within Dublin Bay and the Irish Sea I am satisfied that the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and the North-West Irish Sea SPA can be screened out from any further assessment.

Due to the indirect hydrological connection to the Rye Water Valley/Carton SAC via the public surface water drainage network it is my opinion that potential impacts generated by the construction and operational phases of the development requires consideration. Sources of impact and likely significant effects are detailed in Table 2 below.

Table 2: Screening Matrix		
Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site	
	Impact	Effects
<i>Rye Water Valley / Carton SAC (001398)</i> Petrifying springs with tufa formation (R). Narrow-mouthed Whorl Snail (R) Desmoulin's Whorl Snail (M)	No direct impacts envisioned. Indirect impacts include the potential release of silt and sediment during site works and potential release of construction related compounds including hydrocarbons to surface water. During the operational phase surface water would be attenuated by integrated SUDs system and hydrocarbon filtration system	Potential damage to the habitats and qualifying interest species. An impact of sufficient magnitude could undermine the sites conservation objectives.
	Yes: Likelihood of significant effects from proposed development alone	
	No: Likelihood of significant effects occurring in combination with other plans or projects	
Based on the information provided in the screening report, my site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result significant effects on the Rye Water Valley / Carton SAC. I concur with the applicants’ findings that such impacts could be significant in terms of the stated conservation objectives of the SAC when considered on their own and in combination with other projects and		

plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species.

Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Rye Water Valley / Carton SAC in view of the conservation objectives of the qualifying interest features of the site.

It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 of the proposed development is required.

Appropriate Assessment (Stage 2)

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development in view of the relevant conservation objectives of the Rye Water River / Carton SAC based on scientific information provided by the applicant.

The information relied upon includes the Natura Impact Statement prepared by Altemar Marine and Environmental Consultancy. I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

A description of the site and its Conservation and Qualifying Interests (QI's) / Special Conservation Interests (SCI's), including any relevant attributes and targets for these sites, are set out in the NIS and are also available on the NPWS website (www.npws.ie).

The following tables provide an assessment of the implications of the project on the qualifying interest features of the European site using the best scientific knowledge in the field as outlined in the NIS. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

Rye Water Valley / Carton SAC (001398)

Conservation Objectives: To maintain or restore the favourable conservation status of habitats and species of community (M/R). Detailed Conservation Objectives available: <https://www.npws.ie>

Summary of Key issues that could give rise to adverse effects (from screening stage):

- (i) Water quality degradation (construction)
- (ii) Disturbance of mobile species

Qualifying Interests:	Conservation Objectives Summary	Potential Adverse Effects	Mitigation Measures
Petrifying springs with tufa formation (R).	Restore favourable conservation condition in relation to habitat area, habitat distribution, hydrological regime, physical structure, ecosystem function, vegetation composition and structure and indicators of local distinctiveness	No direct Impacts. Activities associated with construction phase may result in the release of silt / sediment laden water run-off which could negatively impact on water quality	Table 7 of the NIS outlines standard construction phase mitigation measures that would be implemented to prevent the release of silt and / or sediments and the release of construction related compounds, including hydrocarbons, to surface and groundwater. This mitigation measures include controlling run off via a temporary site drainage system, refuelling in a controlled manner and in a dedicated hard surface area, appropriate storage of fuel / oil, dust control measures and appropriate site cleaning and maintenance.
Narrow-mouthed Whorl Snail (R)	Restore favourable conservation condition in relation to distribution, occurrence, habitat area and habitat quality.	No direct Impacts. Activities associated with construction phase may result in the release of silt / sediment laden water run-off which could negatively impact on water quality.	In addition, it is proposed to appoint a project ecologist and all personal would receive training.
Desmoulin's Whorl Snail (M)	Maintain favourable conservation condition in relation to distribution,	No direct Impacts. Activities associated with construction phase may result in the release of silt / sediment	

	occurrence, density within habitat, habitat area and habitat quality.	laden water run-off which could negatively impact on water quality.	Implementation of an Emergency Environmental Response Plan in the event of a spillage.
Assessment: <i>Surface Water Quality:</i> <u>Construction Phase:</u> Activities associated with construction phase may result in the release of silt / sediment laden water run-off. Standard pollution prevention measures would be put in place during the construction phase. These measures are standard practice for construction sites and would be required for a development on any site, irrespective of any potential hydrological connection to a designated site. In the event that the pollution control measures were not correctly implemented or failed I am satisfied that due to the nature of the qualifying interests, the separation distance (1km as the crow flies), to the interrupted hydrological connection and the volume of water (dilution factor) separating the appeal site from the designed site that the impact on the qualifying interests of the Rye Water River / Carton SAC would not be significant. <u>Operational Phase:</u> I am satisfied that no preventative mitigation measures are required during the operational phase to protect any designated site.			

In-combination effects
I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.
Findings and Conclusions
The applicant determined that following the implementation of mitigation measures, the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site. Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of sediment and or silt laden surface water. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.
Site Integrity
The proposed development will not affect the attainment of the Conservation objectives of the Rye Waer River / Carton SAC. Adverse effects on site integrity can be excluded, and no reasonable scientific doubt remains as to the absence of such effects.
Appropriate Assessment Conclusion: Integrity Test
In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Rye Water River / Carton SAC in view of the conservation objective of the site and that Appropriate Assessment under the provisions of S177U/ 177AE was required. Following an examination, analysis and evaluation of the NIS, all associated material submitted and taking into account submission from the third parties, I consider that adverse effects on site integrity of the Rye Water River SAC can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. My conclusion is based on the following: Detailed assessment of construction, operational and decommissioning impacts.

- An assessment of in-combination effects
- Effectiveness of mitigation measures proposed
- The proposed development will not affect the attainment of conservation objectives for the Rye Water River / Carton SAC or prevent or delay the restoration of favourable conservation condition

It is also noted that the planning authority concluded that the proposed development, subject to mitigation measures outlined in the NIS, would not adversely affect, either directly or indirectly, the integrity of any European Site, either alone or in combination with other plans or projects.

Appendix 3: WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	322728-25	Townland, address	Doctors Lane, Maynooth, Co. Kildare.
Description of project		The construction of 18no. houses and all associated works to facilitate the development including the decommissioning and removal of the existing soakaway system serving No. 8 Main Street and replacement with a new SuDS system.	
Brief site description, relevant to WFD Screening,		The site is a brownfield site located on serviced lands with the town centre of Maynooth.	
Proposed surface water details		There is an existing private surface water soakaway within the site boundary which serves the appeal site and no. 8 Main Street, which is also within the ownership of the applicant. As part of the proposed development, it is proposed to decommission the existing soakaway. It is proposed that surface water runoff from the proposed scheme and No. 8 Main Street would drain via new nature-based SuDS measures within the appeal site to the public sewer under Doctors Lane.	
Proposed water supply source & available capacity		It is proposed to connect to the public network. Uisce Eireann have issued a confirmation of feasibility for the proposed connection.	

Proposed wastewater treatment system & available capacity, other issues			It is proposed to connect to the public network. Uisce Eireann have issued a confirmation of feasibility for the proposed connection.			
Others?			-			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body.	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	250m north	Lyreen_020 (IE_EA_09L020035)	Poor	At risk	Urban Agriculture	No direct pathway
Groundwater Waterbody	Underlying site	Dublin (IE_EA_G_008)	Good	Under Review	-	No direct pathway

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Lyreen_020 (IE_EA_09L0 20035)	Surface water and foul drainage will be directed through the drainage networks.	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practices	No	Screened out
2.	Ground	Dublin (IE_EA_G_00 8)	Pathway exists but poor drainage characteristics	spillages	Standard construction practice	No	Screened out
OPERATIONAL PHASE							
3.	Surface	Lyreen_020 (IE_EA_09L0 20035)	Surface water and foul drainage will be directed through the drainage networks.	Hydrocarbon spillage	SUDs features	No	Screened out

4.	Ground	Dublin (IE_EA_G_00 8)	Pathway exists but poor drainage characteristics	Spillages	SUDs features	No	Screened out
DECOMMISSIONING PHASE							
5.	NA						