

Make Planning Appeal

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Response ID 6a1eeeca543eb4e7144b2f4
Date submitted 02/06/2026

Check if you can appeal to An Coimisiún Pleanála

What type of appeal are you making? First-party appeal (I lodged the original application to the planning authority)

Select the statement that applies to you I am an agent acting on behalf of the appellant

During the appeal we will post/email information and items to the appellant or to the appellant's agent. For this appeal, who should we write to? The agent acting on behalf of the appellant or prescribed body

Throughout the appeal process, we may issue correspondence to the appellant/agent as selected above by email. Please confirm that you are satisfied to receive correspondence by email Yes

Appeal type

This section will determine the type of appeal you wish to make and calculate the fee involved. If you qualify for the reduced fee, only that amount will be charged.

Is your appeal solely under Section 48 and/or Section 49 of the Planning and Development Acts? No

Are you appealing against a non-financial condition that has been attached to a permission by the planning authority? Yes

Does your appeal include retention? No

Does your appeal relate to commercial development? Yes

Does your appeal or application include an Environmental Impact Assessment Report (EIAR) or Natura Impact Statement (NIS)? Yes

Do you wish to request an oral hearing? No

Please confirm the following fee details are correct: Yes

AN COIMISIÚN PLEANÁLA
LDG-088257-26
ACP-
02 JUN 2026
Fee: €3000 Type: ONLINE
Time: By: ONLINE

Appellant/company details

This section is for details of the person/company who is making the appeal. If you are an agent submitting an appeal on behalf of a person/company, please include their details on this page. You can submit your agent details on the next page if applicable

Appellant's full name/Company name Cozone Ventures Limited

Is the appellant/company's address in the Republic of Ireland? Yes

Address Warrington House,
Mount Street Crescent,
Dublin 2
Dublin
Ireland

Phone number +35312310096

Is there more than one appellant associated with this appeal? No

*Please be advised that An Coimisiún Pleanála will only correspond with one appellant throughout the appeal process. If you wish to include further appellants on the appeal you may do so in your grounds to appeal document.
If the appeal is a third party appeal, you must ensure that you have a planning authority submission acknowledgement letter for each appellant listed. This must be uploaded with your appeal documents.*

Agent's details

Agent's full name/Company name	JSA Planning
Is your address in the Republic of Ireland?	Yes
Address	JOHN SPAIN ASSOCIATES LIMITED 39 FITZWILLIAM PLACE DUBLIN 2 DUBLIN D02ND61 Ireland
Phone number	+35316625803

Details about the proposed development

****This section asks for details about the planning authority decision you wish to appeal****

Planning authority	Kildare County Council
Planning authority register reference number	25/61119
Address of proposed development	Lands at Railpark Maynooth, Co. Kildare Ireland

Grounds for appeal

Describe the grounds of your appeal (planning reasons and arguments).
You can enter them here or attach them as a document below

We hereby submit a first party appeal against Condition No. 25, and seeking clarification around Condition No's 7(b), 7(e), 17(b), 20, 24, 28 and 44, of Kildare County Council's Notification of Decision to Grant Permission under Reg. Ref.: 25/61119, dated 7th May 2026, for a Large-scale Residential Development (LRD) on lands at Railpark, Maynooth, Co. Kildare. We refer to the enclosed first party document prepared by JSA Planning

****You can also attach further supporting materials on the next page****

Supporting material

If you wish you can include supporting materials with your appeal. Supporting materials include photographs, plans, surveys, drawings, technical guidance documents and so on.

Please note An Coimisiún Pleanála will receive a complete copy of documents/drawings/maps that were submitted at planning authority stage. When submitting supporting material, please only include new documents. (This does not apply to third party appeals where we will always require a copy of your planning authority submission acknowledgement letter.)

If you have added attachments, submitting the form may take a few moments. Thanks for your patience.

The Secretary,
An Coimisiún Pleanála,
64 Marlborough Street,
Dublin 1.

Date: 2nd June 2026
Ref.: JN TD 23121

AN COIMISIÚN PLEANÁLA	
LDG- <u>088257-26</u>	+353 1662 5803 info@jsaplanning.ie jsaplanning.ie
ACP- _____	
02 JUN 2026	
Fee: € <u>3000</u>	Type: <u>ONLINE</u>
Time: _____	By: <u>ONLINE</u>

Re: First Party Appeal against Condition No. 25, and seeking clarification around Condition No. 7(b), 7(e), 17(b), 20, 24, 25, 28 and 44, attached to Kildare County Council's Notification of Decision to Grant Permission under Reg. Ref.: 25/61119 for a Large-scale Residential Development (LRD) on lands at Railpark, Maynooth, Co. Kildare

Kildare County Council Reg. Ref.: 25/61119

Dear Sir / Madam,

1.0 INTRODUCTION

We, JSA Planning, hereby submit a first party appeal on behalf of the applicant, Cozone Ventures Limited, Warrington House, Mount Street Crescent, Dublin 2, against Condition No. 25, and seeking clarification around Condition No's 7(b), 7(e), 17(b), 20, 24, 28 and 44, of Kildare County Council's Notification of Decision to Grant Permission under Reg. Ref.: 25/61119, dated 7th May 2026, for a Large-scale Residential Development (LRD) on lands at Railpark, Maynooth, Co. Kildare. A copy of the notification of decision to grant permission is attached as **Appendix 1**.

We hereby submit this first-party appeal via the online portal. The prescribed appeal fee of €3,000 has been paid in accordance with Fee Category A4, reflecting that the application is accompanied by both an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS).

The planning application was submitted to Kildare County Council on the 2nd of October 2025 and was subject to a Further Information request dated the 25th of November 2025. A comprehensive FI response was submitted to Kildare County Council on the 4th of March 2026 (following the facilitation of the time to respond to same by KCC), which included significant revisions and enhancements to the proposed scheme in response to the Planning Authority's comments.

The development as revised at FI stage provides for 589 no. residential units, comprising 369 no. houses and 220 no. apartments/duplex units, together with significant public open space provision and recreation facilities, a neighbourhood centre, community floorspace and associated infrastructure. A notification of decision to grant permission was issued by the Planning Authority on the 7th of May 2026, subject to 70 no. conditions.

The applicant welcomes the Planning Authority's decision to grant permission for this strategically important residential led development within the Railpark Key Development Area of the Maynooth Local Area Plan 2025-2031.

The applicant submits that the LRD provides high quality residential units, significant community infrastructure gain for the wider Railpark KDA, including public open space, active recreation infrastructure, a neighbourhood centre and community facilities, and substantial financial contributions towards transportation and wider public infrastructure delivery. However, this first party appeal raises specific concerns in respect to Condition No. 25, whilst also requesting some clarification of a number of other conditions, during the Coimisiún's assessment of the application.

2.0 CONDITIONS OF NOTE IN KILDARE COUNTY COUNCIL'S NOTIFICATION OF DECISION TO GRANT PLANNING PERMISSION

As noted above, a notification of decision to grant permission was issued by the Planning Authority on 7th May 2026, subject to 70 no. conditions. The Planner's Report concludes by stating that *"The proposed development is generally acceptable and accords with plans and policies in relation to within the Kildare County Development Plan 2023-2029 and Maynooth and Environs Joint Local Area Plan 2025-2031. It is recommended to grant permission, subject to conditions."*

The applicant welcomes the Planning Authority's decision to grant permission for this strategically important residential led development within the Railpark Key Development Area of the Maynooth Local Area Plan 2025-2031.

However, it is considered necessary and appropriate to appeal specifically Condition 25 as it pertains to the LIHAF Affordability Requirement.

Thus, the condition the subject of this first party appeal reads as follows:

Condition 25 – *"All residential units delivered under this permission incorporate a cost reduction of €18,000 from the prevailing open market price, in accordance with the Local Infrastructure Housing Activation Fund (LIHAF) affordability commitment. Evidence of compliance, including a schedule of selling prices, shall be submitted to and agreed in writing with the Planning Authority prior to the sale of any unit."*

Reason: To comply with the LIHAF affordability requirement and ensure delivery of housing at reduced cost in the interest of housing affordability and proper planning."

In addition, the applicant would like clarification on a number of the conditions which are considered unreasonable, disproportionate, impractical, duplicative, or which materially affect the viability and deliverability of the permitted scheme. Namely, the following:

Condition 7(b) – *"The creche facility shall be constructed as part of Phase 1 of the development and shall be occupied and operational prior to the commencement of Phase 2, unless where otherwise agreed with the Planning Authority"*.

Condition 7(e) – *"The residential units permitted shall not be occupied until the Maynooth Eastern Relief Road (MERR) and associated infrastructure works have been completed and are operational to the satisfaction of the Planning Authority."*

Condition 17(b) – *"All landscaping works shall be fully completed, within the first planting season following commencement of development, in accordance with landscape drawing no.24KE04 DR-0201 from AIT Landscape received by the Planning Authority on 06/03/2026. Any trees and hedging which die, are removed or become seriously damaged or diseased, within a period of 4 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the Planning Authority."*

Condition 20 – *“Prior to the occupation of any dwelling within the development, the Developer shall complete the ceding of the public park to the Planning Authority, to its satisfaction. The lands to be ceded shall be:*

- a) Fully laid out and constructed in accordance with the approved drawings and specifications; Properly finished, landscaped, and drained, with all ancillary features, boundary treatments, and SuDS elements fully operational.*
- b) Free from encumbrances, third-party rights, and financial charges.*
- c) Clearly defined by way of a folio-ready map and legal transfer documentation.*
- d) The Developer shall submit, for the written agreement of the Planning Authority, all legal, mapping, and technical documentation necessary to facilitate the transfer, including confirmation that the lands are fit for adoption and long-term public management.*
- e) A structured landscape maintenance transfer system shall be implemented to ensure a comprehensive and seamless transition of responsibility from the Developer to the Planning Authority with a 4-year defects liability period on all aspects, equipment, and landscaping within the public park.”*

Condition 24 – *“Prior to the commencement of development, the Developer shall provide access points onto the Maynooth Eastern Ring Road (MERR), including the proposed signalised junction, as per ROD drawing 24.111-ROD-GEN-SW_AE-DR-CH 300001 received by the Planning Authority on the 06/03/2026. These proposals shall comply with the requirements of Kildare County Council’s Traffic Management Section, the MERR Project Team and Kildare County Council Transport Mobility and Open Spaces Section and completed to the satisfaction of the Planning Authority. The layout shall be such that all signalisation works are within the red line boundary of the planning application. No works are permitted outside the red line boundary. The proposed works shall tie into the MERR without necessitating any modifications to the approved MERR scheme. No alterations to the approved MERR layout shall be required to facilitate the proposed development.”*

Condition 28 – *“Full and unhindered vehicular, cycle, and pedestrian access to the adjoining proposed post-primary school site to the south shall be incorporated into the site layout to ensure seamless connectivity. A dedicated set-down area to facilitate school bus drop-off shall also be provided within the development as per ROD drawing 24.111-RODGEN-SW_AE-DR-CH-300002 received by the Planning Authority 06/03/2026 Final design details shall be submitted for the written approval of the Planning Authority and agreed with Kildare County Council Transport Mobility and Open Spaces Section.”*

Condition 44 – *“Prior to commencement of development, the Developer shall submit revised detailed design drawings addressing the recommendations of the Stage 1 Quality Audit, including pedestrian/cyclist permeability, tactile paving, safe zones in shared spaces, and cycle facility details. These shall be agreed in writing with the Planning Authority.”*

3.0 GROUNDS OF APPEAL AGAINST CONDITION NO. 25

The applicant respectfully submits this 1st Party Appeal in respect of Condition No. 25 – LIHAF Affordability Requirement.

Condition 25 requires that all residential units delivered under the permission incorporate a cost reduction of €18,000 from the prevailing open market price in accordance with LIHAF affordability commitments. This equates to an effective contribution of approximately €10.6 million across the permitted 589 no. residential units.

The applicant submits that this condition is excessive, disproportionate and unreasonable having regard to the exceptional level of planning gain, strategic infrastructure delivery, community benefit and financial contributions already being provided through the development. In particular, the scheme is delivering substantial additional Public Open Space and active recreation infrastructure for the wider Railpark KDA, significant Part V provision, lands for strategic infrastructure, community floorspace, and development contributions in excess of €3.8 million.

The cumulative burden imposed by Condition 25, when considered alongside these existing obligations and contributions, materially impacts the viability and deliverability of the permitted scheme for the following reasons:

- **Land Contribution and CPO to deliver MERR**

The appellant currently has approximately 2.87 acres of residentially zoned land subject to CPO as part of the delivery of the Maynooth Eastern Ring Road (MERR). The applicant submits that it is unreasonable that the appellant would effectively contribute towards the acquisition and delivery of its own lands while simultaneously funding a blanket affordability reduction across all residential units.

In this regard, the applicant submits that the contribution of these lands should be considered as part satisfaction of any reasonable LIHAF-related obligation associated with the development. Accordingly, rather than applying a specific condition to the Railpark LRD, it is submitted that such commercial matters are best agreed directly between the Planning Authority and applicant as part of ongoing discussions in respect to the MERR, CPO, and the subject development.

- **Significant Community Gain as Part of Proposed Development**

The proposed development is delivering a substantial level of strategic infrastructure and community benefit for the wider Railpark KDA significantly above normal development requirements. In particular, the scheme provides:

- Approximately 2.76ha of active Public Open Space, equating to 18.3% of the total site area. This equates to approximately 1.25ha of additional Public Open Space above the standard 10% requirement. As illustrated on the Railpark KDA drawing, this POS will serve the wider KDA area;
- The effective loss of approximately 49 no. residential units arising from this additional Public Open Space provision, based on the achieved density of 39.31 units/ha;
- Provision of a dedicated service building (requested by KCC at FI Stage) of 100 sq.m associated with the active open space provision;
- Provision of a neighbourhood centre including 136 sq.m of community floorspace and pharmacy and health centre to serve the wider KDA; and
- The ceding of approximately 0.1ha of lands for a pumping station to serve the wider area, resulting in the loss of approximately 4 further residential units.

The applicant submits that the subject site is providing the vast majority of community infrastructure and active open space provision for the wider Railpark KDA and that this exceptional level of planning gain must be considered in assessing the proportionality of Condition 25.

- **Part V Contribution**

The applicant further notes that the Planning Authority has sought that the Part V requirement be calculated on a plot area basis while simultaneously seeking a greater

proportion of smaller units within the scheme. The resulting effect is an effective Part V provision of approximately 144 no. units, equating to approximately 24.4% of the overall development, rather than the standard 20% of unit (118 no. units) requirement which most planning authorities apply.

The applicant submits that this represents a substantial and excessive social and affordable housing contribution significantly above normal policy requirements and should, in itself, be considered a substantial affordability contribution towards the objectives underpinning the LIHAF requirement.

- **Development Contributions and Infrastructure Delivery**

The permitted development is also subject to development contributions totalling €3,810,154.20 under the Kildare County Council Development Contribution Scheme. Approximately 60% of this total, equating to €2,286,092.52, relates to transportation, surface water and flood relief infrastructure.

Accordingly, the applicant is already making a substantial direct financial contribution towards the delivery of strategic infrastructure required to facilitate development within the area, including infrastructure associated with the MERR project.

- **Viability and Proportionality**

The applicant submits that the cumulative impact of:

- €10.6 million affordability reduction required under Condition 25;
- 24.4% Part V provision;
- Significant additional Public Open Space and community infrastructure provision;
- Ceding of strategic lands for a pump station; and
- Substantial financial development contribution liabilities.

Renders the permitted scheme financially unviable.

The total estimated tender cost of the Maynooth Eastern Ring Road is understood to be approximately €25 million. The €10.6 million contribution arising from Condition 25 alone represents approximately 42.4% of the total estimated road cost. The applicant submits that this is wholly disproportionate having regard to the level of planning gain, land cessions and infrastructure delivery already being provided through the scheme.

- **Precedent Development**

The applicant further notes that the adjacent Phase 1 and 2 residential developments on adjoining lands under Kildare County Council Reg. Ref.: 21/155 and ABP Ref.: 312671-22 and Reg. Ref.: 21/156 / ABP Ref.: 312685-22 did not include an equivalent condition requiring a blanket affordability reduction across all residential units. Instead, Condition 2 of both permissions under Reg. Ref.: 21/155 and ABP Ref.: 312671-22 and Reg. Ref.: 21/156 / ABP Ref.: 312685-22 required the developer to demonstrate compliance with a signed letter of undertaking between the developer and Kildare County Council dated 25th October 2017, or any superseding written agreement, prior to occupation of the housing units.

The applicant further understands that compliance with the LIHAF affordability obligations associated with the residential development on these adjacent lands to the south was accepted by Kildare County Council through the delivery of 42 no. cost rental units to an approved housing body, rather than through the imposition of a blanket affordability

reduction across all units. Furthermore, those cost rental units were not subject to development levy contributions.

The applicant submits that these adjacent permitted developments demonstrate that alternative mechanisms for satisfying LIHAF-related affordability obligations have previously been accepted by Kildare County Council and that the blanket €18,000 reduction imposed under Condition 25 is neither necessary nor proportionate in the context of the substantial planning gain, infrastructure delivery, Part V provision and land cessions already being provided through the permitted scheme.

Conclusion

The applicant submits that the permitted development delivers exceptional levels of strategic infrastructure and community benefit for the wider Railpark KDA, including significant Public Open Space, active recreation facilities, community infrastructure, lands for strategic infrastructure, and substantial financial contributions towards transportation and wider public infrastructure delivery.

Accordingly, it is respectfully requested that the Coimisiún omit Condition 25 subject to this appeal for the reasons set out above.

4.0 CLARIFICATIONS REQUIRED ON CONDITIONS

As noted above, the applicant would request that the Coimisiún provide clarification, for example through amended wording, or omission, of a number of the conditions which are considered unreasonable, disproportionate, impractical, duplicative, or which materially affect the viability and deliverability of the permitted scheme. These conditions are discussed below.

Condition No. 7(b) – Childcare Facility Occupation and Operational Requirement

Condition 7(b) requires that the childcare facility be constructed as part of Phase 1 of the development and be occupied and operational prior to the commencement of Phase 2, unless otherwise agreed in writing with the Planning Authority.

The applicant has no objection to the delivery of the childcare facility as part of Phase 1 of the development, and this was provided for as part of the response to the Further Information request. However, the applicant submits that the requirement for the facility to be “*occupied and operational*” prior to commencement of Phase 2 is unreasonable and outside the control of the applicant.

The applicant can only reasonably ensure the delivery of a completed shell and core creche building capable of occupation. Once the facility has been completed and handed over, the occupation and operation of the childcare facility is dependent on a third-party childcare operator and associated licensing, staffing and commercial arrangements, matters over which the applicant has no control.

Whilst the applicant has generally been successful in securing operators for childcare facilities provided in their developments in a timely manner (as noted in the application documentation), at present, and whilst noting that the demand for childcare places remains strong, operators are struggling due to rising construction and fit out costs, government fee caps, staffing issues, and growing regulatory requirements, all of which are putting significant pressure on operating margins and often leading to delays in securing operators for facilities.

Accordingly, it is respectfully requested that Condition 7(b) be amended as follows:

Condition 7(b) - *“The creche facility shall be constructed as part of Phase 1 of the development and shall be completed to practical completion stage and made available for fit-out and occupation prior to the commencement of Phase 2, unless where otherwise agreed with the Planning Authority”.*

Condition No. 7(e) – Occupation Restriction Pending Completion of MERR

Condition 7(e) states that the residential units permitted shall not be occupied until the Maynooth Eastern Relief Road (MERR) and associated infrastructure works have been completed and are operational to the satisfaction of the Planning Authority.

The Applicant acknowledges the strategic importance of the MERR infrastructure and notes that construction of the road has commenced. The Applicant fully supports the delivery of this critical item of public infrastructure and recognises its role in facilitating the planned growth of Maynooth.

However, it is submitted that the condition, as currently drafted, is unreasonable and disproportionate insofar as it prevents the occupation of completed residential units pending the completion of infrastructure works that are not wholly within the control of the Applicant.

While construction of the MERR is underway, the road infrastructure is only partially funded at this stage and its ultimate completion remains dependent upon a range of factors outside the Applicant's control, including funding availability, procurement processes, contractor performance, programme delivery, material supply and other matters that may arise during the delivery of a major public infrastructure project. Any delay arising from such matters could result in completed residential units remaining unoccupied for an extended period despite the permitted development itself being fully constructed and capable of occupation.

The Applicant is concerned to avoid a scenario whereby occupation of completed homes is delayed for reasons unrelated to the development, including potential interruptions to the MERR programme while additional funding is secured, contracts are renegotiated or other delivery issues are resolved. Such an outcome would have significant implications for housing delivery and unit handover while serving no practical planning purpose where suitable access arrangements could otherwise be provided.

It is therefore submitted that the condition goes beyond what is necessary to achieve the Planning Authority's objective and imposes an unreasonable burden on the development by linking occupation to the completion of infrastructure works over which the Applicant has limited or no control.

The Applicant acknowledges that ongoing engagement will be required with Kildare County Council and the MERR project team to determine what interim or phased access arrangements may be acceptable in the unlikely event that the delivery of the MERR is delayed. The Applicant is committed to working with the Planning Authority to agree any such measures that may be necessary to facilitate the safe and orderly occupation of the development.

Accordingly, it is respectfully requested that Condition 7(e) be amended as follows:

Condition 7(e) – *“The residential units permitted in each phase shall not be occupied until the necessary phased opening of the Maynooth Eastern Relief Road (MERR) and associated infrastructure works has been completed and are operational to the satisfaction*

of the Planning Authority. The details of the phased occupation of units can be agreed in writing with the Planning Authority having regard to the status of the MERR."

Such an amendment would remain consistent with the Planning Authority's objective of ensuring adequate supporting infrastructure while providing a proportionate and reasonable mechanism for the phased occupation of the development and avoiding unnecessary delays to housing delivery arising from circumstances beyond the Applicant's control.

Condition No. 17(b) – Landscaping Delivery

Condition 17(b) requires all landscaping works to be fully completed within the first planting season following commencement of development.

The applicant submits that this requirement is neither reasonable nor practical having regard to the scale and phased nature of the proposed development. The approved Phasing Plan provides for development to occur incrementally across multiple phases, with associated infrastructure, Public Open Space and residential areas delivered on a phased basis.

It would therefore not be feasible, nor environmentally appropriate, to complete the entirety of the landscape scheme at the outset of development where substantial areas of the site will remain active construction zones associated with later phases. Such an approach would risk damage to completed landscaping works and result in unnecessary reworking and replacement.

The applicant proposes instead that landscaping and planting works be implemented on a phased basis in accordance with the approved construction and phasing strategy. This would allow completed areas of development and Public Open Space to be landscaped, protected and established incrementally as phases are completed, while ensuring the timely delivery of high-quality amenity areas throughout the development process.

Accordingly, it is respectfully requested that Condition 17(b) be amended as follows:

Condition 17(b) – *"All landscaping works for each phase shall be completed, within the first planting season following commencement of that phase of development, in accordance with landscape drawing no. 24KE04 DR-0201 from AIT Landscape received by the Planning Authority on 06/03/2026. Any trees and hedging which die, are removed or become seriously damaged or diseased, within a period of 4 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the Planning Authority."*

Condition Nos. 20 – Public Park Delivery and Transfer of Land to KCC

Condition 20 requires the Developer to complete the ceding of the public park to the Planning Authority prior to occupation of any dwelling within the development. The applicant submits that this approach does not align with the approved Phasing Plan, the provisions of Condition 21 (as summarised below, which reflect the approach put forward at FI stage, and which is more practical) or with the practical sequencing of infrastructure and amenity delivery across a large-scale phased residential development. A phased approach to the delivery of Public Open Space and park infrastructure was specifically proposed as part of the FI Response submitted to Kildare County Council, which provided for the phased delivery, establishment and Taking-In-Charge of POS areas in tandem with the residential development.

Thus, the applicant submits that this requirement is unduly onerous having regard to the scale and phased nature of the proposed development. The condition would effectively

require the entirety of the Public Park, including sports facilities, recreational infrastructure and associated amenity works, to be delivered at significant upfront cost prior to any residential occupation taking place.

Figure 4.1: Approved Phasing Plan (Revised at FI)

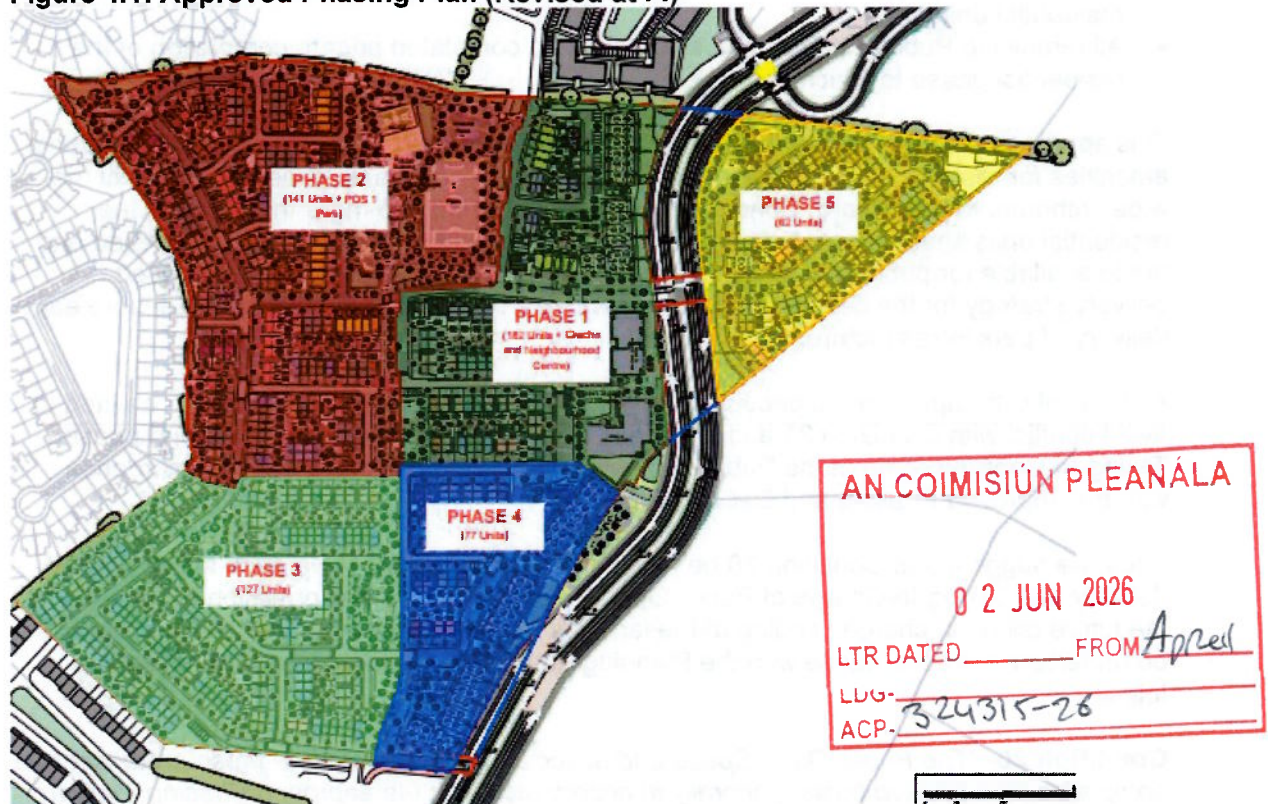
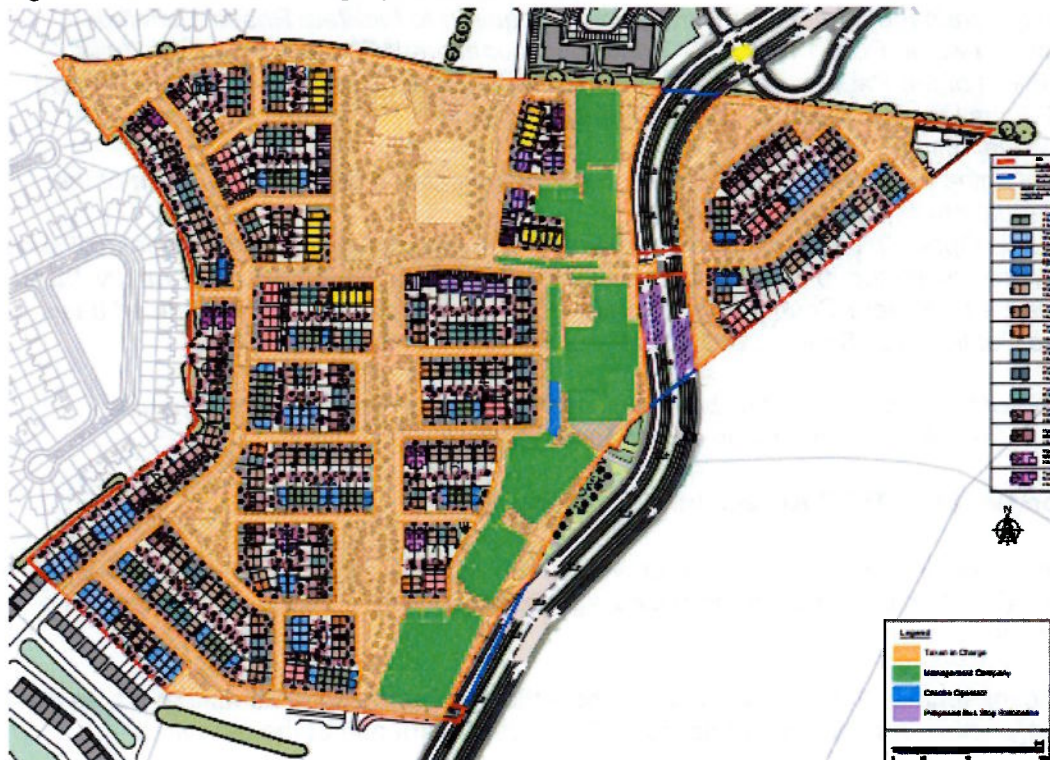


Figure 4.2: Taken In Charge (Submitted at FI)



At FI stage, the applicant proposed a phased approach to the delivery of Public Open Space and park infrastructure, whereby:

- The fit-out of the Park and recreational infrastructure and amenity fit-out of POS 1 and POS 3 shall be completed prior to occupation of an agreed proportion of Phase 2 residential units; and
- All remaining Public Open Space areas shall be completed prior to completion of the residential phase to which they relate.

This approach ensures the timely delivery of meaningful public open space and recreational amenities for residents, while also facilitating the orderly and viable phased delivery of the wider scheme. In this regard, Condition 21, which states that no more than 20% of the residential units shall be occupied until Phase 1 of the public park has been completed and made available for public use, is considered to more appropriately reflect the phased delivery strategy for the development and provides a reasonable mechanism to ensure early delivery of park infrastructure.

Accordingly, the applicant respectfully requests that Condition 20 be amended or omitted to avoid conflict with Condition 21 and to instead provide for the phased delivery and phased Taking-In-Charge/ceding of the Public Park and Public Open Space areas in accordance with the approved Phasing and Delivery Plan.

Thus, we suggest that Condition 20 be revised so it reflects the FI approach to the phased delivery and Taking-In-Charge of Public Open Space, and a simpler provision in respect to the future taking in charge / ceding of the land, as the client acknowledges this will need to be undertaken in accordance with the Planning Authority's requirements, and to read as follows:

Condition 20- *"The Public Open Space and associated infrastructure in these areas shall be completed on a phased basis, generally in accordance with the approved Phasing Plan, as follows:*

- (a) Strategic drainage and service infrastructure required to facilitate Phase 1 shall be completed within POS 1 and POS 3 prior to occupation of Phase 1 residential units.*
- (b) The fit-out of the Park and recreational infrastructure and amenity fit-out of POS 1 and POS 3 shall be completed prior to occupation of an agreed proportion of Phase 2 residential units.*
- (c) All remaining Public Open Space areas shall be completed prior to completion of the residential phase to which they relate.*
- (d) All Public Open Space areas shall be maintained by the Developer at all times until such areas are completed to the satisfaction of the Planning Authority and are formally Taken In Charge by Kildare County Council. Taking-In-Charge may occur on a phased basis where Public Open Space areas are fully completed and established."*

The ceding of the public park shall be completed to the requirements of the Planning Authority at the relevant time and in accordance with their procedures.'

Condition No. 24 – MERR Access Infrastructure

Condition 24 requires the Developer to provide the access points onto the Maynooth Eastern Ring Road (MERR), including the proposed signalised junction, prior to commencement of development.

The applicant submits that this condition is impractical and unreasonable as drafted, as the signalised junction and associated access infrastructure form part of the permitted

development itself and are already required to be delivered in accordance with the approved plans and particulars pursuant to Condition 1. The condition is therefore circular in nature, requiring elements of the permitted development to be completed prior to commencement of the development itself.

The applicant accepts the requirement for the early delivery of the MERR access infrastructure. However, it is respectfully requested that the condition be amended to allow the junction, and associated access works to be delivered as part of the initial phase of development and completed prior to occupation of an agreed proportion of residential units, or otherwise subject to agreement with the Planning Authority, as the subject development may be commenced before the MERR is at such a stage where the junction works can be provided. We have also suggested the omission of references to the red line application site boundary to provide flexibility for potential tweaks to the finalised design and in acknowledgement that the lands are in the applicant's or Planning Authority's control.

Accordingly, it is respectfully requested that Condition 24 be amended as follows:

Condition 24 – *“When required by the Planning Authority, i.e. having regard to the construction status of the MERR vis-à-vis the proposed development, the Developer shall provide access points onto the Maynooth Eastern Ring Road (MERR), including the proposed signalised junction, as per ROD drawing 24.111-ROD-GEN-SW_AE-DR-CH 300001 received by the Planning Authority on the 06/03/2026. These proposals shall comply with the requirements of Kildare County Council's Traffic Management Section, the MERR Project Team and Kildare County Council Transport Mobility and Open Spaces Section and completed to the satisfaction of the Planning Authority. The proposed works shall tie into the MERR without necessitating any modifications to the approved MERR scheme. No alterations to the approved MERR layout shall be required to facilitate the proposed development.”*

Condition No. 28 – School Bus Set-Down Area

Condition 28 requires the provision of a dedicated school bus set-down area within the development site in accordance with the referenced ROD drawing.

The applicant notes that it was clearly set out during the application process that the proposed bus set-down area could not be accommodated within the applicant's red line boundary. Furthermore, the bus set-down area, as illustrated, is not wholly located within the application site boundary.

The applicant fully supports the provision of pedestrian, cycle and vehicular connectivity to the adjoining post-primary school site. However, it is respectfully requested that the requirement for the dedicated bus set-down area within the applicant's red line boundary be omitted or amended accordingly, as suggested below:

Condition 28 – *“Full and unhindered vehicular, cycle, and pedestrian access to the adjoining proposed post-primary school site to the south shall be incorporated into the site layout to ensure seamless connectivity. The dedicated set-down area to facilitate school bus drop-off, which is shown on the subject site and adjacent lands as per ROD drawing 24.111-RODGEN-SW_AE-DR-CH-300002 received by the Planning Authority 06/03/2026 Final design details, shall be facilitated as by the Planning Authority.”*

Condition No. 44 – Stage 1 Quality Audit

Condition 44 requires the submission of revised detailed design drawings addressing the recommendations of the Stage 1 Quality Audit prior to commencement of development.

The applicant notes that the substantive recommendations of the Stage 1 Quality Audit have already been addressed within the submitted drawings. The remaining matter relating to tapers at the ends of parking bays is already reflected on the architectural drawings and can be addressed as part of the detailed design and tender stage.

Accordingly, the requirement for revised drawings prior to commencement is considered unnecessary, particularly having regard to Condition 1, which already requires the development to be carried out in accordance with the approved plans and particulars. Thus, we request that Condition No. 44 be omitted from the final grant.

5.0 CONCLUSION

The applicant respectfully submits that the permitted development represents a strategically important residential-led scheme which delivers substantial public and community benefit for the wider Railpark KDA, including significant Public Open Space provision, active recreation facilities, community infrastructure, strategic land cessions and major transportation and infrastructure contributions.

The applicant welcomes the Planning Authority's decision to grant permission for the proposed development. However, the blanket affordability contribution required under Condition 25 is considered by the Applicant to be excessive and disproportionate having regard to the cumulative burden of Part V provision, development contributions, infrastructure delivery, land cessions and community gain already being delivered through the scheme. Accordingly, the application respectfully requests that An Coimisiún Pleanála omit Condition No. 25 for the reasons set out in this appeal.

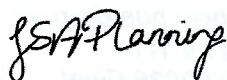
In addition, there are a number of the planning grant conditions highlighted in this 1st Party Appeal that are considered unreasonable, impractical, disproportionate, duplicative, or materially prejudicial to the viability and deliverability of the permitted scheme, particularly having regard to the phased nature of the development and the exceptional level of planning gain already being provided.

Accordingly, the applicant respectfully requests that An Coimisiún Pleanála amend or omit Condition Nos. 7(b), 7(e), 17(b), 20, 24, 28 and 44 for the reasons set out in this appeal.

As set out in this appeal, it is respectfully requested that An Bord Pleanála exercises its discretion under Section 139 of the Planning and Development Act 2000, as amended, to restrict its consideration to the appropriateness of the conditions subject to this appeal only, and direct Kildare County Council to grant permission with the omission or amendments to the conditions in question, as sought in this first party appeal.

We trust the Coimisiún will afford the grounds and arguments set out herein due consideration in determining this appeal. Should you have any queries or require any further information please do not hesitate to contact the undersigned.

Yours sincerely,



JSA Planning



APPENDIX 1 – KILDARE COUNTY COUNCIL'S NOTIFICATION OF DECISION TO GRANT

Comhairle Contae Chill Dara
Kildare County Council



Date: 07/05/2026
Pl. Ref.: 25/61119

Cozone Ventures Limited
c/o John Spain
John Spain Associates,
39 Fitzwilliam Place,
Dublin 2
D02 ND61

Notification of a decision under Section 34 of the Planning & Development Act 2000 (as amended)

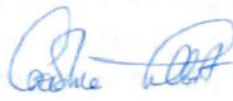
Planning Register Number: 25/61119
Application Received Date: 02/10/2025
Further Information Received Date: 13/03/2026

In pursuance of the powers conferred upon them by the above-mentioned Acts, Kildare County Council have by Order dated 07/05/2026 decided to **GRANT PERMISSION** to the above named for the development of land in accordance with the documents submitted namely:- for a ten year planning permission for a Large-scale Residential Development (LRD) on lands at Railpark, Maynooth, Co. Kildare. The application site is bound by Parklands housing estate to the northwest and situated west of the residential properties within the Rockfield development and northeast of the permitted residential development 'The Grange' under Reg. Ref.: 21155 / ACP Ref: 312671-22 (Phase 1) and Reg. Ref.: 21156 / ACP Ref: 312685-22 (Phase 2), which is currently under construction, north of Maynooth Educate Together National School on the Celbridge Road (R405) and bordered by agricultural lands to the north, east, south and south east. The proposed development will consist of 581 no. residential units, a neighbourhood centre and all associated development, on a site of approximately 15.27 hectares. The residential component of the development consists of 185 no. apartment / duplex apartments and 396 no. houses to be provided as follows: • 59 no. 2 bed two storey mid terraced houses; • 52 no. 3 bed two storey mid terrace houses; • 223 no. 3 bed two storey end terrace/semi-detached houses; • 58 no. 4 bed two storey semi-detached houses; • 4 no. 4 bed two storey detached houses; • 185 no. duplex apartments / apartments (53 no. 1 beds, 92 no. 2 beds, 40 no. 3 beds) in a series of 3 to part 6 storey duplex apartment blocks / apartment blocks. The proposed neighbourhood centre consists of 3 no. buildings (Block A, Block B and a single storey standalone café / restaurant kiosk building) and a new public plaza and communal open space. Block A is part 5 storey / part 6 storey building comprising health centre (174 sq.m) and two no. shop units (124 sq.m pharmacy and 166 sq.m convenience shop) at ground floor level and 41 no. apartments (17 no. 1 beds and 24 no. 2 beds) from first to fifth floor level. Block B is a 5 storey building block comprising a childcare facility (762 sq.m) at ground floor level and 48 no. apartments (21 no. 1 beds and 27 no. 2 beds) from first to fourth floor level. 96 no. duplex apartments units (12 no. 1-bed, 48 no. 2-bed, and 36 no. 3-bed units) are provided in 5 no. blocks (Blocks 1 to 5) ranging from 3 no. storeys to 5 no. storeys. All duplex apartments and apartment units are provided with a balcony, terrace or private garden

on all elevations. A total of 888 no. surface car parking spaces are proposed for residential units, visitor parking and the neighbourhood centre commercial uses. A total of 623 no. cycle spaces are proposed for long stay/residents. 42 no. spaces for the neighbourhood centre, commercial uses and 93 no. short stay/visitor cycling parking spaces. The proposed includes significant public open space including a new local park, linear park, and pocket parks, children's play areas and ancillary play area for the childcare facility. The development includes hard and soft landscaping, lighting, boundary treatments, and communal open spaces areas. The proposed development provides for 2no. vehicular accesses from the permitted Maynooth Eastern Ring Road (MERR) including a new pedestrian /cyclist signalised crossing, associated internal roads, pedestrian and cycle infrastructure, set down areas, bin and bike stores, paths and access points provided up to the application site boundary to provide for potential future connections to adjoining lands to the north and south. The development includes foul and surface water drainage, 6 no. ESB substations, green roofs, PV panels, plant, services and all associated ancillary site works and development. An Environmental Impact Assessment (EIAR) and Natura Impact Statement (NIS) has been prepared for the development and accompanies the planning application. Revised by Significant Further Information which consists of: Amendments to the house and duplex / apartment types to provide a range of additional three storey house types, own-door Type 4H maisonette units and reconfiguration of the Duplex Type A typology, including adjusted separation distances between duplex apartment / apartment blocks, associated amendments to the elevation fenestration and removal of balcony railings. These amendments result in an increase of 8 no. residential units, providing an overall total of 589 no. residential units comprising 369 no. houses and 220 no. apartments/ duplex apartments units. Block A within the Neighbourhood Centre has been reoriented and reconfigured, and a c. 136 sq.m community space is now proposed. The previously proposed standalone café / restaurant kiosk building has been omitted from the Neighbourhood Centre, and a new site services building is provided within the Local Park incorporating a café kiosk, sports equipment storage, park maintenance facilities, public toilets and bin stores. Amendments to the overall height and articulation of gateway buildings and associated amended external finishes. Public open spaces, including the Local Park (POS 1) and the linear park, have been reconfigured and enhanced, including revised play and sports facilities, landscape design, SuDS features and connectivity arrangements. Access and junction strategy has been amended, including all traffic signals, junction works and associated infrastructure contained within the red line boundary and tie into the approved MERR scheme. Associated revisions to the overall site layout plan, revised car parking, cycle parking and landscaping and all associated site development and landscaping works at **Lands at Railpark, Maynooth, Co. Kildare Maynooth ACP Ref: 312671-22 (Phase 1) and Reg. Ref.: 21156 / ACP Ref: 312685-22 (Phase 2), which is currently under construction. north of Maynooth Educate Together National School on the Celbridge Road (R405) and bordered by agricultural lands to the N, E, S subject to 70 conditions set out in the schedule attached.**

The reason for the imposition of the said conditions are also included. The Planning Authority have had regard to any submissions or representations made on this file. If there is no appeal against the said decision a **grant of permission** in accordance with the decision will be issued after the expiration of the period within which an appeal may be made to An Coimisiún Pleanála (see footnote). It should be noted that until a grant of permission has been issued the development in question is NOT AUTHORISED and work should not commence.

Date: 07/05/2026



A/Senior Executive Officer, Planning
Kildare County Council

PLEASE ARRANGE TO REMOVE SITE NOTICE

Any appeal against the decision of a Planning Authority under Section 37 of the Planning & Development Act 2000 as amended) may be made to An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1. First and third party objections must be received by An Coimisiún Pleanála within 4 weeks beginning on the day of making the decision by the Planning Authority. The appeal must be fully complete from the start - you are not permitted to submit any part of it later, even within the time limit.

Any appeal made within the statutory appeal period to An Coimisiún Pleanála will be invalid unless accompanied by

- 1 Confirmation of submission to Planning Authority
- 2 The correct statutory fee, (Fees payable to An Coimisiún Pleanála on or after 5th September, 2011)
 - i. Appeal by 1st party relating to commercial development where the application included the retention of development - €4,500 or €9,000 if an EIAR or NIS involved.
 - ii. Appeal by 1st party relating to commercial development (no retention element in application) - €1,500 or €3,000 if an EIAR or NIS involved.
 - iii. Appeal by 1st party non-commercial development where the application included the retention of development - €660
 - iv. Appeal by 1st Party solely against contribution condition(s) – (2000 Act and amendments Section 48 or 49) - €220
 - v. Appeal following grant of leave to appeal
 - vi. An Appeal other than referred to in (i) to (v) above - €220

This guide does not purport to be a legal interpretation of the fees payable to An Coimisiún Pleanála. Please contact An Coimisiún Pleanála for further information.

Planning Permission is sought for a ten-year planning permission for a Large-scale Residential Development (LRD) on lands at Railpark, Maynooth, Co. Kildare. The application site is bound by Parklands housing estate to the northwest and situated west of the residential properties within the Rockfield development and northeast of the permitted residential development 'The Grange' under Reg. Ref.: 21155 / ACP Ref: 312671-22 (Phase 1) and Reg. Ref.: 21156 / ACP Ref: 312685-22 (Phase 2), which is currently under construction, north of Maynooth Educate Together National School on the Celbridge Road (R405) and bordered by agricultural lands to the north, east, south and south east. The proposed development will consist of 581 no. residential units, a neighbourhood centre and all associated development, on a site of approximately 15.27 hectares. The residential component of the development consists of 185 no. apartment / duplex apartments and 396 no. houses to be provided as follows: • 59 no. 2 bed two storey mid terraced houses; • 52 no. 3 bed two storey mid terrace houses; • 223 no. 3 bed two storey end terrace/semi-detached houses; • 58 no. 4 bed two storey semi-detached houses; • 4 no. 4 bed two storey detached houses; • 185 no. duplex apartments / apartments (53 no. 1 beds, 92 no. 2 beds, 40 no. 3 beds) in a series of 3 to part 6 storey duplex apartment blocks / apartment blocks. The proposed neighbourhood centre consists of 3 no. buildings (Block A, Block B and a single storey standalone café / restaurant kiosk building) and a new public plaza and communal open space. 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approved MERR scheme. Associated revisions to the overall site layout plan, revised car parking, cycle parking and landscaping and all associated site development and landscaping works at Lands at Railpark, Maynooth, Co. Kildare Maynooth ACP Ref: 312671-22 (Phase 1) and Reg. Ref.: 21156 / ACP Ref: 312685-22 (Phase 2), which is currently under construction. north of Maynooth Educate Together National School on the Celbridge Road (R405) and bordered by agricultural lands to the N, E, S – Cozone Ventures Limited - 26/61119

Schedule 1 – Considerations and reasons on which this decision is based as required by Article 31 of the Planning and Development Regulations 2001, (as amended).

Having regard to the nature of the proposed development, the zoning on site set out within the Maynooth and Environs Joint Local Area Plan 2025-2031 and the policies and objectives in the Kildare County Development Plan 2023-2029 and our reasoned conclusion of the EIAR and the NIS, it is considered that the proposed development would not seriously injure the amenities of the area or property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

Schedule 2 – Conditions to apply.

1. The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications received by the Planning Authority on 02/10/2025 and by Further Information received by the Planning Authority on the 06/03/2026 except as amended by the conditions of this permission.

Reason: To ensure that the development shall be in accordance with the permission and that effective control be maintained.

2. The Applicant/Developer to pay to Kildare County Council the sum of **€3,810,154.20** being the appropriate contribution to be applied to this development in accordance with the Development Contribution Scheme adopted by Kildare County Council on 19th December 2022 in accordance with Section 48 of the Planning and Development Act 2000 as amended. Payments of contributions are strictly in accordance with Section 13 of the Development Contribution Scheme adopted by Kildare County Council on 19th December 2022.

Development Contributions are due for payment once a commencement notice is lodged. In the case of retention permission, development contributions are due on the issuing of a Final Grant of planning permission.

Note: Please note water and wastewater development contribution charges now form part of the water connection agreement, if applicable, with Uisce Éireann.

Reason: It is considered reasonable that the Developer should make a contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority.

3. No development shall be commenced until security has been given for the provision of and satisfactory completion of open space and of services, and in accordance with the conditions herein contained and including maintenance until Taken In Charge (TIC) by the Council of roads, footpaths, public lighting and similar type public facilities. This security is required by Kildare County Council for application at its absolute discretion if the foregoing open space and services are not duly provided as aforesaid and to Kildare County Council's satisfaction.

Where the proposed development is carried out on staged or phased basis the security required shall be proportionate to each part of the development which is carried out in the foregoing manner.

The security shall be given by: **(a)** lodgement with Kildare County Council of an approved Insurance Company Bond in the amount of **€1,178,000.00** or **(b)** lodgement with Kildare County

Council of a sum of €1,178,000.00, provided always and if the development has not commenced within one calendar year from the date of the grant of this permission or is carried out on a phased or staged basis, Kildare County Council may at its absolute discretion require an increase in the amount of the foregoing Bond or lodgement corresponding with the increase or estimated increase in the cost of the provision and completion of the services above described, and in the manner provided for, and which may have occurred since the aforesaid date. Any approved Insurance Company Bond shall be index linked.

Reason: To ensure the satisfactory completion of public open spaces and services, and to ensure that a ready sanction may be available to the Council towards the provision of same, and to prevent disamenity.

4. **(a) Prior to commencement of development**, the Developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the Planning Authority, for the amount of (€200,000) to secure the satisfactory implementation landscape plan required by condition no. 16 (b) coupled with an agreement empowering the Planning Authority to apply such security or part thereof to satisfactory implementation of said landscaping.

(b) This security shall remain in place until the requirements of part (a) above are completed to the satisfaction of the Planning Authority and for a further period of 1 year following completion of said landscaping works, or as otherwise agreed by the Planning Authority.

(c) In default of agreement on (a) and/or (b), the matter(s) shall be referred to An for An Coimisiún Pleanála determination.

Reason: To ensure the landscape works are carried out in a satisfactory manner and in the interest of proper planning and sustainable development of the area.

5. The development hereby permitted shall be carried out within 10 years from the date of the grant of permission.

Reason: Having regard to the scale of the proposed development, the planning authority considers that it is reasonable and necessary to specify a period of validity of this permission.

6. **(a)** This permission authorises 589 no. residential units, neighbourhood centre with a retail unit, pharmacy, health centre, community unit and a childcare facility, and a service building in the park, and all associated open spaces, landscaping, drainage, and associated internal roads.

(b) Each residential unit shall be used as an individual residential unit and shall not be subdivided into separate living units or for commercial or trade purposes.

(c) The Childcare facility shall be used as a Childcare Facility only, the retail unit shall be used as a retail unit only, the pharmacy shall be used as a pharmacy only, the health centre shall be used as a health centre only, the community unit shall be used for community use only. Any subdivision, amalgamation or change of use of these units, whether or not such change, subdivision or amalgamation would otherwise constitute exempted development, under the Planning and Development Regulations 2001 (as amended) shall not be undertaken without the prior grant of planning permission.

(d) Prior to the commencement of development, the Developer shall submit for the written agreement of the Planning Authority the proposed opening hours of the Childcare Facility.

(e) The maximum number of children at any one time in the childcare facility shall be 192, or as otherwise agreed in writing by the Planning Authority.

Reason: In the interest of clarity and the proper planning and sustainable development of the area.

7. **(a)** The Phasing Plan received by the Planning Authority on the 06/03/2026 shall be carried out in full unless otherwise agreed in writing with the Planning Authority.

(b) The creche facility shall be constructed as part of Phase 1 of the development and shall be

occupied and operational **prior to the commencement of Phase 2**, unless where otherwise agreed in writing with the Planning Authority.

(c) The community unit shall be constructed and completed as part of Phase 1 of the development unless where otherwise agreed in writing with the Planning Authority.

(d) The service building within the park shall be completed as part of Phase 2 of the development unless where otherwise agreed in writing with the Planning Authority.

(e) The residential units permitted shall not be occupied until the Maynooth Eastern Relief Road (MERR) and associated infrastructure works have been completed and are operational to the satisfaction of the Planning Authority.

Reason: (a) To ensure the timely delivery of the development, (b & d) In the interest of the provision of social infrastructure in tandem with housing and as per SC O79 and SC O87 of the Kildare County Development Plan 2023-2029, (e) and that the strategic road infrastructure necessary to support the development is delivered in advance of occupation, in the interest of proper planning and sustainable development.

8. The Developer shall fully implement all mitigation and avoidance measures as set out in the Natura Impact Statement (NIS) and Environmental Impact Assessment Report (EIAR) received by the Planning Authority on the 02/10/2025 and by revised details received by the Planning Authority on the 06/03/2026. All ecological protection measures required during the construction phase, and all operational-phase measures (including the Biodiversity Management Plan, habitat management and monitoring measures) set out in the submitted ecological documentation, shall be implemented and maintained for the lifetime of the development.

Reason: To ensure the development avoids, reduces and mitigates ecological impacts and secures long-term biodiversity protection, habitat functionality and ecological resilience, consistent with Kildare County Development Plan 2023-2029 Objective BI O16.

9. (a) **Prior to the commencement of development**, the Developer shall submit for the written agreement of the Planning Authority details of the mechanism for transfer/ceding of the Community Unit in the neighbourhood centre to the Planning Authority.

(b) On completion of Phase One, as per condition 4(a) above, the Developer shall transfer to the Planning Authority, or to such person or body as may be nominated by the Planning Authority, the freehold interest in the Community Unit together with all necessary rights of access, services and easements, and at no cost.

(c) The said building shall be completed and certified as completed in accordance with the approved plans and particulars, finished to a standard agreed in writing with the Planning Authority, and shall be fit for its intended purpose at the date of transfer.

Reason: (a, b & c) In the interest of clarity and ensure the delivery of social infrastructure.

10. (a) The Developer shall retain the services of the qualified Ecological Clerk of Works throughout the life of the construction works. The Developer shall inform the Planning Authority of that appointment in writing **prior to commencement of development**. An Ecological Clerk of Works shall supervise and verify the implementation of all ecological protection measures outlined within the EIAR and the NIS, received by the Planning Authority 02/10/2025 and by Further Information received by the Planning Authority on the 06/03/2026, during enabling and construction works, including toolbox talks assessment of stockpiled soil for burrowing mammals and site inspections, as required. The ECoW shall continue to oversee the implementation of the Biodiversity Management Plan throughout the project.

(b) A Practical Completion Certificate or Report shall be signed off by the Ecological Clerk of Works when all construction works are fully completed to the satisfaction of the Planning Authority and in

accordance with the permitted development proposals. The Ecological Clerk of Works shall monitor the site through the construction phases and supervise works as required during clearing, trimming or excavation.

(c) The Developer shall facilitate phased construction works when the project begins to allow wildlife to move away from the site, this shall be monitored by the Ecologist.

Reason: To protect species and habitats and to ensure best-practice delivery of avoidance and mitigation measures through on-site ecological supervision and compliance, in line with the Kildare County Development Plan 2023-2029 Objective BI O16.

11. Any external lighting installed on the site shall comply with a wildlife-friendly lighting strategy. This strategy shall minimise light spill, avoid illuminating retained or newly created habitats, and protect bat flight lines and commuting routes. Details of the lighting design shall be submitted to the Planning Authority and agreed in writing **prior to the installation**.

Reason: This condition aims to prevent disturbance and habitat fragmentation for nocturnal species, including bats, and ensures that avoidance and mitigation are integrated into the design as per the Kildare County Development Plan 2023-2029 Objective BI O16.

12. **Prior to the commencement of development**, the Developer shall submit for the written approval of the Planning Authority an invasive species management plan detailing the removal and disposal of Cherry Laurel (*Prunus laurocerasus*) and any other invasive non-native species identified on site. Additionally, no invasive non-native species (such as laurel of any kind) shall be introduced/planted through landscaping, and all planting shall be free of invasive contaminants.

Reason: The purpose of this requirement is to prevent the spread and establishment of invasive non-native species, thereby safeguarding the ecological integrity of the site and its surroundings, in accordance with Kildare County Development Plan 2023-2029 Objective BI O16.

13. **Prior to the commencement of development**, the Developer shall submit for the written agreement of the Planning Authority a revised Biodiversity Management Plan (BMP) that includes the following:
- (a) A revised meadow planting plan that shall prioritise natural regeneration and management using the local seed bank, rather than wholesale reseeding.
 - (b) Provision of small mammal gaps linking back gardens to improve site permeability for species such as hedgehogs.
 - (c) The creation of wildlife corridors around the boundary of the site, inline with the tree protective fencing.

Reason: To ensure the best alignment of the BMP with the All-Ireland Pollinator Plan and to support mammals protected under the Wildlife Act.

14. **Prior to the commencement of development**, the Developer shall submit for the written agreement of the Planning Authority:
- (a) An acceptable bilingual naming and numbering scheme which shall be compliant with the Kildare County Councils 'Naming of New Residential Developments' Policy Document, February 2018.
 - (b) All associated signage for the proposed development.

Reason: In the interest of the residential amenities of the area.

- 15. (a) Prior to the commencement of development**, the Developer shall submit for the written agreement of the Planning Authority, signage details for the neighbourhood centre units. Apart from the agreed signage and notwithstanding the exempted development provisions of the Local Government Planning and Development Regulations 2001 (as amended), no additional signs, including any signs, neon or otherwise, exhibited as part of a window display affixed to the inside of the glazing, illuminations, advertising structures, banners, canopies, flags, additional lighting fixtures or other projecting elements shall be erected or fixed to the property without a prior grant of planning permission.
- (b)** No free-standing advertising structures associated with the proposed development shall be erected on the property or the adjoining public pavement.
- (c)** All windows and glazing shall be maintained at all times, and shall be kept free of all stickers, posters and advertisements.
- (d)** No external roller shutters or their housings, awnings, canopies or grilles, shall be erected without a prior planning permission.

Reason: In the interest of clarity and visual amenity.

- 16. Prior to the commencement of development**, the Developer shall submit for the written agreement of the Planning Authority details of all external materials for all buildings and structures. This shall include but not limited to, roof materials, rainwater goods, eills, external walls, balcony's, windows and doors.

Reason: in the interest of visual amenity.

- 17. (a)** The Developer shall retain the services of the qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant throughout the life of the construction works. The Developer shall inform the Planning Authority of that appointment in writing **prior to commencement of development**. A Practical Completion Certificate shall be signed off by the Landscape Architect when all landscape works.
- (b)** All landscaping works shall be fully completed, within the first planting season following commencement of development, in accordance with landscape drawing no.24KE04 DR-0201 from AIT Landscape received by the Planning Authority on 06/03/2026. Any trees and hedging which die, are removed or become seriously damaged or diseased, within a period of 4 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the Planning Authority.
- (c)** This security shall remain in place until the requirements of part (a & b) above are completed to the satisfaction of the planning authority and/or for a further period of 5 year(s) following completion of said landscaping works, or as otherwise agreed by the Planning Authority.

Reason: To ensure full and verifiable implementation of the approved landscape design.

- 18. (a) Prior to the commencement of development**, the Developer shall submit to the Planning Authority for the written agreement detailed proposals for the boundary treatment along the western boundary of the site adjoining the housing development known as "Rockfield". The submission shall include:
- i. Detailed recommendations from a suitably qualified Arborist in relation to the retention, protection, long-term management, and maintenance of the existing hedgerow along this boundary;
 - ii. Details of all tree and hedgerow protection measures required to facilitate the installation of a new boundary fence, including temporary and permanent protection works;
 - iii. A topographic survey clearly identifying and accurately delineating the land ownership

- boundaries;
 - iv. Full details and specifications for the installation of a weld-mesh or Hercules-type fence to secure the boundary; and
 - v. Confirmation that all boundary treatments are aligned precisely with, and run tight to, the legal boundary as shown on the submitted mapping.
- (b) All fencing/railings within the permitted development shall be black powder coated galvanised fencing/railings.

Reason: (a) To ensure boundaries are clearly identified and avoid areas of no mans land between property boundaries and (b) in the interest of visual amenity.

19. (a) Prior to the commencement of development, the Developer shall submit for the written agreement of the Planning Authority details of the mechanism for transfer/ceding of the Service Building in the park to the Planning Authority.

(b) On completion of Phase One, as per condition 4(a) above, the Developer shall transfer to the Planning Authority, or to such person or body as may be nominated by the Planning Authority, the freehold interest in the Service Building in the Park together with all necessary rights of access, services and easements, and at no cost.

(c) The said building shall be completed and certified as completed in accordance with the approved plans and particulars, finished to a standard agreed in writing with the Planning Authority, and shall be fit for its intended purpose at the date of transfer.

Reason: (a, b & c) In the interest of clarity and ensure the delivery of social infrastructure.

20. Prior to the occupation of any dwelling within the development, the Developer shall complete the ceding of the public park to the Planning Authority, to its satisfaction.

The lands to be ceded shall be:

- (a) Fully laid out and constructed in accordance with the approved drawings and specifications; Properly finished, landscaped, and drained, with all ancillary features, boundary treatments, and SuDS elements fully operational.
- (b) Free from encumbrances, third-party rights, and financial charges.
- (c) Clearly defined by way of a folio-ready map and legal transfer documentation.
- (d) The Developer shall submit, for the written agreement of the Planning Authority, all legal, mapping, and technical documentation necessary to facilitate the transfer, including confirmation that the lands are fit for adoption and long-term public management.
- (e) A structured landscape maintenance transfer system shall be implemented to ensure a comprehensive and seamless transition of responsibility from the Developer to the Planning Authority with a 4-year defects liability period on all aspects, equipment, and landscaping within the public park.

Reason: To ensure the satisfactory provision, delivery, and long-term management of high-quality public open space in the interests of orderly development and proper planning and sustainable development of the area.

21. Prior to the commencement of development, the Developer shall submit for the written agreement of the Planning Authority a Phasing and Delivery Plan for the Public park, which shall include:

- (a) The timing and extent of each phase of park construction relative to the occupation of residential units;

- (b) Details of landscape works, surface treatments, boundary treatments, SuDS features, and park amenities to be provided at each phase;
- (c) Measures to ensure that each completed phase is safe, accessible, usable, and visually coherent as standalone public open space; and
- (d) Arrangements for interim and long-term maintenance of each phase pending final completion and ceding.
- (e) No more than 20% of the residential units shall be occupied until Phase 1 of the public park has been completed and made available for public use. Subsequent phases shall be completed in accordance with the approved Phasing and Delivery Plan.

Reason: To ensure the timely, high-quality delivery of public open space commensurate with residential occupation levels, and to safeguard the proper planning, amenity, and sustainable development of the area.

- 22. (a)** The Developer shall retain the services of an independent qualified Arborist as an Arboricultural consultant, for the entire period of construction activity. The Developer shall inform the planning authority of that appointment in writing **prior to commencement of development.**
- (b) The Arborist shall carry out a post-construction tree survey and assessment of the condition of the retained trees and hedgerows. A Completion Certificate shall be signed off by the Arborist when all permitted development works are completed and in line with the recommendations of the tree reports and plans. The certificate shall be submitted to the Parks Section for written agreement upon completion of construction works on site.
- (c) The tree protection measures outlined in the submitted Tree Protection Plan prepared by Charles McCorkell Drawing No. 240616-P-12-01 to 04 received by the Planning Authority on the 02/10/2025 shall be implemented in full and maintained for the duration of the construction works. All protective fencing and associated measures shall remain in place until the completion of the development and shall not be removed without the prior written approval of the retained Arborist, who shall confirm in writing that the development has concluded and that removal is appropriate.
- (d) **Prior to the commencement of the development,** submission of a report from the Landscape Architect/Arborist containing photographic evidence of fixed (non-movable) tree protection fencing in place in locations as per the Tree Protection Plan and confirmation from the Landscape Architect/Arborist that all existing trees and hedgerows identified to be retained are retained and protected **prior to development commencement.**
- (e) **Prior to the commencement of any permitted development or any related construction activity or tree felling on the site,** the Applicant shall lodge a Tree and Hedgerow Bond to the value of €100,000 with the Planning Authority. This is to ensure the protection of trees on and immediately adjacent to the site to make good any damage caused during the construction period. The bond lodgement shall be coupled with an Arboricultural Agreement, with the Developer, empowering the Planning Authority to apply such security, or part thereof, to the satisfactory protection of any tree/hedgerow or trees/hedgerows on or immediately adjoining the site, or the appropriate and reasonable replacement of such trees/hedgerows which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development or to a point where a taken in charge process may have been undertaken. Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the Planning Authority. A system recognised by the Arboricultural industry for the valuation of trees which have been lost such as CAVAT or Helliwell may be used on trees where deemed necessary by the Planning Authority. An Arboricultural Assessment report and certificate is to be signed off by a qualified Arborist after the period of the completion of construction or to a period of up to 3 years as deemed necessary by the Planning Authority. Any remedial tree

surgery, tree felling works recommended in that report shall be undertaken by a qualified Tree Surgeon at a cost to the Developer/Landowner, under the supervision of the project Arborist. The bond will only be refunded upon receipt by Kildare County Council Planning Department and the Parks Section of a satisfactory post-construction Arboricultural Assessment, carried out by a qualified arborist and provided that the hedges/trees proposed for retention on the original site plans and protection drawings are alive, in good condition physically and structurally with a useful life expectancy.

Reason: To ensure the appropriate retention of existing trees and hedgerows.

- 23.** The areas of public open space shown on the submitted plans shall be reserved for such use. These areas shall be levelled, soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the Planning Authority on the 06/03/2026. The areas of public open space shall be maintained as public open space by the Developer until taken in charge by the Local Authority.

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

- 24.** Prior to the commencement of development, the Developer shall provide access points onto the Maynooth Eastern Ring Road (MERR), including the proposed signalised junction, as per ROD drawing 24.111-ROD-GEN-SW_AE-DR-CH 300001 received by the Planning Authority on the 06/03/2026. These proposals shall comply with the requirements of Kildare County Council's Traffic Management Section, the MERR Project Team and Kildare County Council Transport Mobility and Open Spaces Section and completed to the satisfaction of the Planning Authority. The layout shall be such that all signalisation works are within the red line boundary of the planning application. No works are permitted outside the red line boundary. The proposed works shall tie into the MERR without necessitating any modifications to the approved MERR scheme. No alterations to the approved MERR layout shall be required to facilitate the proposed development.

Reason: In the interest of traffic safety and the orderly development of the area.

- 25.** All residential units delivered under this permission incorporate a cost reduction of €18,000 from the prevailing open market price, in accordance with the Local Infrastructure Housing Activation Fund (LIHAF) affordability commitment. Evidence of compliance, including a schedule of selling prices, shall be submitted to and agreed in writing with the Planning Authority **prior to the sale of any unit.**

Reason: To comply with the LIHAF affordability requirement and ensure delivery of housing at reduced cost in the interest of housing affordability and proper planning.

- 26.** Internal access roads shall have a minimum width of 5.5 metres, and the main spine road shall have a carriageway width of 6.0 metres, notwithstanding any greater width indicated on the submitted drawings. Footpaths shall be a minimum of 2.0 metres wide with applicable kerb upstands, shared surfaces shall be a minimum of 3m in width, parking bays shall be a minimum of 2.5 * 5.0m and circulation aisles shall be a minimum of 6m in width.

Reason: In the interest of pedestrian, cyclist and vehicular safety, proper planning and sustainable development.

27. All permeability links, including vehicular, cycle, and pedestrian connections to the adjoining zoned lands as indicated within the Maynooth and Environs Joint Local Area Plan 2025-2031, shall be provided. **Prior to the commencement of development**, the final details shall be submitted to the Planning Authority for the written agreement.

Reason: To ensure permeability and connectivity between developments, promote sustainable transport modes, and facilitate the orderly development of the area to comply with the Maynooth and Environs Joint Local Area Plan 2025-2031.

28. Full and unhindered vehicular, cycle, and pedestrian access to the adjoining proposed post-primary school site to the south shall be incorporated into the site layout to ensure seamless connectivity. A dedicated set-down area to facilitate school bus drop-off shall also be provided within the development as per ROD drawing 24.111-RODGEN-SW_AE-DR-CH-300002 received by the Planning Authority 06/03/2026. Final design details shall be submitted for the written approval of the Planning Authority and agreed with Kildare County Council Transport Mobility and Open Spaces Section.

Reason: To ensure safe and efficient access to the proposed school site, facilitate sustainable transport options, and promote the orderly development of the area.

29. All internal roads shall comply with DMURS (2019), including corner radii, sightlines, and longitudinal gradients, as demonstrated in the revised site layout drawings.

Reason: In the interest of pedestrian, cyclist and vehicular safety, proper planning and sustainable development.

30. All internal shared surfaces shall be a minimum of 3m in width and shall have public lighting. Final details shall be submitted for the written approval of the Planning Authority.

Reason: In the interest of pedestrian and cyclist safety, proper planning and sustainable development.

31. The Developer shall ensure that stop signage and road markings will be in accordance with the Department of Transport, Tourism and Sport's Traffic Signs Manual. 30 km/h Slow Zones shall be implemented with signage and road markings in accordance with TSAN-201602 and the Department of Transport Traffic Signs Manual, as detailed in the submitted layout plan.

Reason: In the interest of pedestrian, cyclist and vehicular safety, proper Planning and sustainable development.

32. **Prior to commencement of development**, the Developer shall submit final detailed drawings showing the integration of all SuDS measures with the internal road network and connections to the MERR drainage system. These shall confirm compliance with Kildare County Council SuDS Guidance Document (2024).

Reason: In the interest of proper drainage arrangements and sustainable development.

33. CBR tests shall be undertaken in accordance with Section 2.16 of the Department of Environment and Local Government "Recommendations for Site Development Works for Housing Areas" (R.S.D.W.H.A.) and as required to determine the subgrade strength under the proposed distributor roads. The results together with a suitable pavement design in accordance with LR 1132 and HD

14/87 shall be submitted to the Planning Authority for written consent, **prior to commencement of development.**

Reason: In the interests of traffic safety and proper planning.

34. The site access roads and on road parking areas within the development shall be finished with a surface course to be Stone Mastic Asphalt, SMA 14 surf PMB 65/105-60 des 45mm thick, in compliance with clause 942 of National Roads Authority/Transport Infrastructure Ireland specification or similar approved by the Planning Authority. All surface water drainage gullies shall be fitted with suitable locking type covers or gratings.

Reason: In the interest of traffic safety and improved skid resistance.

35. The Developer shall ensure that the Permeable Paving for the driveway parking is made durable. Specifically, the Developer shall ensure the use of interlocking/ keyed paving or otherwise, to withstand shear loads arising from vehicles movements. In addition, the Developer shall demonstrate how the permeable surface will have adequate slip/skid resistance into the future.

Reason: To promote Sustainable Drainage Systems and avoid trip hazards.

36. All footpaths shall be dished at junctions and road crossings to facilitate the disabled.

Reason: In the interest of traffic and pedestrian safety.

37. Vehicular parking shall comply with Table 15.8 of Chapter 15 of the Kildare County Development Plan 2023–2029 and shall be provided in accordance with Drawing No. MRP-SP-ZZ-DR-JFA-AR-P1000 received by the Planning Authority on 06/03/2026. Disabled parking shall meet Irish Wheelchair Association Best Practice Guidelines, as indicated in the submitted parking layout drawings. Perpendicular car parking spaces to be 5.0 X 2.5 metres in dimension, marked in 100mm white lines in a durable material.

Reason: In the interests of a properly planned and serviced development and reducing traffic congestion.

38. Electric Vehicle (EV) charging infrastructure shall be provided in accordance with Chapter 5 of the Kildare County Development Plan 2023–2029 and national guidance:
- (a) All houses with in-curtilage parking shall be provided with a fully operational EV dual electrical charge points to allow for the night-time charging of Electric Vehicles (EVs), linked to the individual domestic electricity meter.
 - (b) Communal parking areas shall include active EV charging points at a rate of one per ten spaces, with ducting provided for all remaining spaces.
 - (c) Non-residential parking areas shall include at least two active EV charging point and ducting for 20% of spaces. The EV Chargers are to be compatible with the Sustainable Energy Authority of Ireland's Triple E Register. Final designs to be submitted to the Planning Authority for written approval, **prior to commencement of development.**

Reason: To support the use of renewable energy and improve urban air quality

39. The Developer shall ensure that all electrical charge points are provided to allow for the night-time charging of Electric Vehicles (EVs). The EV Charger shall be compatible with the Sustainable

Energy Authority of Ireland's Triple E Register. Adequate power supply shall be provided, appropriate for the EV charging unit as advised by SEAI. The Developer shall ensure the design of all electrical installations, including EV Charging Infrastructure, is approved by a Chartered Electrical Engineer.

Reason: To promote the use of night-time renewable energy.

40. All permitted on-street and grouped car parking spaces within the development shall be maintained by the Developer until such time as they are Taken in Charge by the Planning Authority.

Reason: In the interests of clarity, orderly development and in order to ensure continued access for maintenance of service and public areas.

41. Bicycle parking shall be provided in accordance with Section 15.7.2 (Cycle Parking) of the Kildare County Development Plan 2023–2029. All bicycle parking facilities shall comply with DMURS and best-practice design guidance (e.g., Sheffield stands or equivalent), ensuring safety, accessibility, and appropriate spacing.

Reason: To promote sustainable transport and ensure adequate, secure, and accessible bicycle parking.

42. Prior to commencement of development, the Developer shall submit a comprehensive site – specific Final Construction Management Plan and Traffic Management Plan for the written approval of the Planning Authority. These plans shall demonstrate full integration and coordination with the delivery and operation of the Maynooth Eastern Ring Road (MERR), including access arrangements, phasing, and traffic safety measures. No works shall commence until written confirmation of compliance is received. These plans shall:

- (a) Demonstrate full integration and coordination with the delivery and operation of the Maynooth Eastern Ring Road (MERR), including:
- Permanent and temporary access arrangements
 - Phasing of works aligned with the MERR programme
 - Traffic safety measures and protocols for coordination with the MERR contractor.
- (b) Include detailed provisions for:
- Haul routes for construction traffic
 - Noise control measures in accordance with BS 5228 and best practice
 - Measures to prevent debris and mud impacting the existing road network, including wheel-wash facilities and road sweeping
- (c) Measures to protect public safety, including compliance with the Department of Transport, Tourism and Sport (DTTAS) Traffic Signs Manual for all construction site warning signage.
- (d) The Planning Authority reserves the right to alter the Construction Management Plan in the event of traffic congestion or safety issues arising.

Reason: To manage construction activities, minimise disruption to the surrounding area, and safeguard public safety and residential amenity during the construction phase.

43. All works involving the opening of public roads or footpaths shall be carried out under a Road Opening Licence submitted to the Municipal District Area Office through the MRL system.

Reason: In the interest of traffic and pedestrian safety and to ensure proper works are carried out.

- 44. Prior to commencement of development,** the Developer shall submit revised detailed design drawings addressing the recommendations of the Stage 1 Quality Audit, including pedestrian/cyclist permeability, tactile paving, safe zones in shared spaces, and cycle facility details. These shall be agreed in writing with the Planning Authority.

Reason: In the interest of pedestrian, cyclist and vehicular safety.

- 45. Prior to commencement of development,** the Developer shall submit a Road Safety Audit (RSA), Stage 2 carried out by an independent approved and certified auditor, for the proposed development and surrounding area. The RSA recommendations shall be incorporated into the detailed design.

Reason: In the interest of pedestrian, cyclist and vehicular safety.

- 46. Upon completion of the development and prior to taking in charge of the road's infrastructure,** the Developer shall complete a Stage 3 Road Safety Audit (RSA), to be carried out by an independent approved and certified auditor. The recommendations contained in the RSA and agreed actions shall be signed off by the audit team and submitted to the Planning Authority, for written approval.

Reason: In the interest of pedestrian, cyclist and vehicular safety.

- 47. Prior to commencement of development,** the Developer shall submit a final lighting design and lux plot for the written approval of the Planning Authority. Lamp standards shall be positioned at the back of the new footways, away from trees.

Reason: In the interest of Road Safety.

- 48. The outdoor lighting scheme shall be carried out in accordance with the Kildare County Council Lighting Policy Street Lighting Technical Specification (04/06/2019). The Developer shall comply with all future site lighting requirements of the Planning Authority in relation to adjusting the lights by re-aiming, the addition of louvres & shields and/or dimming. This is to deal with any glare issues that may arise for road users, residents and adjacent lands/properties and for biodiversity which may only become apparent when the installation has been commissioned.**

Reason: In the interest of pedestrian, cyclist and vehicular safety, proper planning and sustainable development.

- 49. The approved lighting system shall be fully implemented prior to the first occupation of the development, or if the Planning Permission relates to a phased development, prior to the first occupation of each phase.**

Reason: In the interests of a properly planned and serviced development, and in the interest of public safety.

- 50. The development shall comply with the Acoustic Design Statement received by the Planning Authority on the 02/10/2025, ensuring that internal and external noise levels meet the requirements of BS 8233:2014 and the thresholds set out in the Kildare County Noise Action Plan.**

Reason: To ensure that internal and external noise levels are maintained within acceptable limits in accordance with BS 8233:2014 and the Kildare County Noise Action Plan, to protect public health and ensure the enjoyment of residential amenity.

51. Prior to the lodgement of a Commencement Notice/SDN [and (per Section 96(8) PDA 2000, as amended) in any event before the expiration of 8 weeks from the date of the grant of permission], the Developer 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 transfer of 20 % of the land in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on the land in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended.

The agreement shall be based on the Part V Agreement in Principle submitted with the planning application, unless otherwise agreed in writing between the parties, and shall provide for the equivalent of not less than 20 per cent of the land the subject of the application to be made available for the provision of social and/or affordable housing in accordance with:

Section 96 of the Planning and Development Act 2000 (as amended); The Housing Strategy contained in the Development Plan for the area; and any relevant guidelines issued by the Minister under Section 28 of the Act.

The agreement in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended shall provide for the transfer of residential units directly to the ownership of the Planning Authority or to an Approved Housing Body (AHB) nominated by the Authority.

Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the Planning Authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

For the avoidance of doubt, the residential units identified for social/affordable housing shall not [save for the requirement, for the necessary and efficient management of apartment blocks, to be managed by a PRSA registered 'Management Company'] be transferred to, vested in, or burdened by covenants of any Owners' Management Company (OMC) established for the purpose of the Multi-Unit Developments Act 2011. Such 'OMC's interest shall be limited to the 'common areas' and 'reversionary interests' as defined by the MUD Act, and the social housing units shall be transferred as unencumbered fee-simple (or equivalent) titles to the Housing Authority/AHB.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000 (as amended) to ensure compliance with the housing strategy, policies and objectives of Kildare Housing Strategy as contained in the Kildare County Development Plan 2023-2029 to ensure the proper management and permanent availability of social and affordable housing to ensure compliance with the proper planning and sustainable development of the area.

52. (a) Prior to the commencement of the development as permitted, the Developer 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 housing unit), 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 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 Developer or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the Planning Authority shall confirm in writing to the Developer, 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.

53. Prior to commencement, the Applicant shall submit a Taking In Charge (TIC) map for the written agreement of the Planning Authority. The map shall clearly identify three areas; areas to be TIC, Areas Not to be TIC and areas to be TIC by a management company. The TIC proposals shall consider future access and maintenance arrangements for all areas and services including roads, footpaths, open spaces, drainage (SuDS) features, public lighting, EV charging, and boundary treatments.

Reason: In the interest of clarity and proper planning and sustainable development.

- 54. (a)** The areas around all archaeological deposits uncovered during archaeological testing including the human remains shall be extended and cleaned back by hand to reveal the full extent of all archaeological features on the site.
- (b)** All archaeological features shall be fully archaeologically recorded, planned, photographed and excavated **prior to the commencement of works** in this area of the site, and in keeping with Best Archaeological Practice.
- (c)** All areas of the development shall be subject to Archaeological Monitoring during the course of groundworks at the site.
- (d)** Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology, i.e. preservation in situ, and/or excavation. The National Monuments Service of this Department will advise on these matters.
- (e)** All archaeological works shall be informed and supplemented by licensed metal detection survey.
- (f)** The National Monuments Service of this Department shall be furnished with a full excavation report on the completion of the excavation and a subsequent report describing the results of the monitoring.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

55. Prior to the commencement of development, the Developer shall prepare a Construction and Demolition Resource Waste Management Plan (RWMP) in accordance with Appendix C of the "Environmental Protection Agency Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D 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 shall be submitted to the Planning Authority for written agreement prior to the commencement of development.

Reason: In the interest of proper planning and sustainable development.

56. (a) All foul sewage and soiled water shall discharge to the public foul sewer system.
(b) Only clean, uncontaminated surface water shall discharge to the surface water system.
(c) All surface water from the carpark areas shall pass through adequately sized and sited petrol/oil interceptor(s) before being discharged to the surface water system.
(d) Existing land and roadside drainage shall not be impaired. The proposed surface water drainage system shall be designed to integrate effectively with the existing network to ensure that no ponding or uncontrolled runoff occurs during periods of heavy rainfall.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

57. Adequately sized and sited fats, oils, greases interceptors shall be installed on all commercial kitchen waste drainage lines in a manner which is satisfactory to the Planning Authority, and these shall be cleaned on a regular basis. All grease traps installed shall conform to the Irish Standard EN 1825 Grease Separators – Part 1 (Principals of Design, Performance, Testing, Marketing and Quality Control) and Part II (Selection of Nominal Size, Installation, Operation and Maintenance) published by the National Standards Authority of Ireland. Grease traps that use an additive (e.g. chemicals or enzymes etc.) to dissolve the collected grease are not acceptable. The use of food macerators on the kitchen waste drainage line (s) is not permitted.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

58. The Developer shall use “Best Practicable Means” to prevent/minimise noise and dust emissions during the construction phase of the development, through the provision and proper maintenance, use and operation of all machinery, all to the satisfaction of the Planning Authority.

Reason: In the interest of public health, and the use of best practice guidelines in order to avoid nuisance.

59. The Developer to note that the importation of waste Soil & Stone for the purposes of land-raising or landscaping requires prior authorisation under Section 39 of the Waste Management 1996, (as amended) once the development has been authorised under this planning application. **Prior to commencement**, the Developer shall outline in detail their proposals in this regard, and no development shall commence until such time as when their waste importation plan has been approved in writing by the Planning Authority.

Reason: In the interest of public health and the use of best practice guidelines in order to avoid pollution.

60. **Prior to Commencement Notice Stage**, the Developer shall submit a Construction Phase Surface Water Management Plan in accordance with Inland Fisheries Ireland Publication 2016 “Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters” for the written approval of the Planning Authority. The Plan shall address the collection, control and management of any surface water run-off from the site to prevent any polluting matter, suspended solids and silt, being discharged to any receiving water. The Plan shall, inter alia, include: (a) Site Layout Plan at sufficient scale identifying any potential surface water and/or groundwater receptors; (b) The location and design of any proposed mitigation measures; and (c) Proposals for a surface water and/or groundwater monitoring programme, as appropriate.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

- 61.** An operational waste management plan (OWMP) in accordance with the Kildare County Council Waste Presentation Byelaws is to be prepared by a competent person and issued for the written approval of the Planning Authority **prior to occupation of the development**. The OWMP shall consider the domestic waste management needs of the proposed occupants, the storage needs for receptacles including in shared locations, in accordance with the byelaws, and the servicing needs with regards to domestic waste for the long-term.

Reason: In the interest of public health and the use of best practice guidelines in order to avoid pollution.

- 62. (a)** All surface water generated on site shall be disposed of on site and not allowed onto the public road or any adjoining properties.
- (b)** The Developer shall be responsible for the proper design, construction and maintenance of all surface water drains installed as part of the proposed development including soakways.
- (c)** The Developer shall ensure that all damage to the public road network associated with the construction phase of this development shall be repaired to the satisfaction of the Maynooth Municipal District Office staff and the Planning Authority.
- (d)** No spoil, dirt, debris or other materials shall be deposited on the public road network, its footpaths and verges by machinery or vehicles travelling to or from the development site during the construction phase. The Developer shall arrange for vehicles leaving the site to be kept clean, and for road sweeping by mechanical sweeper to take place as required.
- (e)** During the construction and operation, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precaution necessary to prevent dust nuisances.
- (f)** During the construction phase the Developer shall provide adequate off carriageway parking facilities for all traffic associated with the proposed development. This shall include material delivery vehicles, service vehicles, construction plant and vehicles, waste skips and private vehicles of the workers on site. There shall be no parking of vehicles on the public road network.

Reason: In the interest of traffic safety.

- 63. (a)** The permitted hours of operation during the construction phase and for construction related deliveries and collections shall be between 07:00 hours to 18:00 hours Monday to Friday and 08:00 hours to 14:00 hours on Saturdays. Work is not permitted on Sundays and on public holidays. Any deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority. There shall be no queuing of construction vehicles of any kind or deliveries outside of these hours.
- (b)** Noise from the construction stages of the development shall not give rise to sound pressure levels (Leq 15 minutes) measured at noise sensitive locations which exceed 70 dB(A) (LAeq 1 hour) between 07:00 hours and 18:00 hours Monday to Friday inclusive (excluding bank holidays) and between 08:00 hours and 14:00 hours on Saturdays when measured at any noise sensitive location in the vicinity of the site. If changes are agreed in writing with the Planning Authority to the construction hours as per (a) above, the noise levels shall align with same. Sound levels from site development works shall not exceed 45 dB(A) (LAeq 1 hour) at any other time.

Reason: (a) In order to safeguard the residential amenity of properties in the area. (b) In the interest of public health, to avoid noise pollution, and to ensure proper development.

- 64.** Noise from the operational stages of the planned development shall not give rise to sound pressure

levels (Leq 15 minutes) measured at noise sensitive locations which exceed the following limits: (a) dB(A) between the hours of 07:00 and 18:00 Monday to Friday inclusive (excluding bank holidays) and 45 dB(A) at any other time, and (b) There shall be no clearly audible tonal component or impulsive component in the noise emission from the development at any noise sensitive location. A detailed Noise Study, with recommendations, shall be carried out by a competent noise/environmental consultant within three months of the development being in full operation and at any other time as may be specified by Kildare County Council. The Noise Study shall be submitted for the consent of the Planning Authority.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

65. The Developer shall enter into a Connection Agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network and adhere to the standards and conditions set out in that agreement. All development shall be carried out in compliance with Uisce Éireann's Standard Details and Codes of Practice. Uisce Éireann does not permit Build Over of its assets. Where the Developer proposes to build over or divert existing water or wastewater services the Developer shall have received written Confirmation of Feasibility (COF) of Diversion(s) from Uisce Éireann **prior to any works commencing**.

Reason: To provide adequate water and wastewater facilities.

66. The Sustainable Drainage Systems (SuDS) Strategy and Sustainable Drainage Systems (SuDS) Scheme Design detailed within the Engineering Report and associated planning stage design drawings/reports carried out by ROD Consulting Engineers contained within the Planning Drawings Pack received on 02/10/2025 and subsequent revisions in response to further information request received on 06/03/2026 shall be implemented in full unless otherwise agreed with the Planning Authority.

Reason: To ensure proper servicing of the development and to eliminate the potential impact of pluvial flood risk.

67. **Prior to commencement of development**, the Developer shall submit the final detailed design for the Sustainable Drainage Systems (SuDS) and cross section views for the development inclusive of the proposed detention basins and swales. It is also requested, that where feasible the Applicant utilises sustainable drainage conveyance techniques to reduce the amount of underground surface water pipework. A final Scheme Implementation Report shall also be submitted, all for the written approval of the Planning Authority. The design shall include but not be limited to:

- Limiting discharge rates from the site to as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event for the 1-in-1 year and 1-in-100-year rainfall events.
- Provide sufficient surface water management so that the runoff volume is discharged at a rate that does not adversely affect flood risk and that unless designated to flood that no part of the site floods for a 1-in-30 year event, and 1-in-100 year event in any part of a building, utility plant susceptible to water within the development.
- Provide sufficient water management to ensure no off-site flooding as a result of the development during all storm events up to and including the 1-in-100 year plus climate change event.
- Final modelling and calculations for all areas of the sustainable drainage systems.

- The appropriate level of treatment for all runoff leaving the site.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, Finished Floor Levels (FFL) and ground plane levels (GPL), and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any changes to the approved strategy.

The design shall subsequently be implemented **prior to occupation**.

Reason: To ensure proper and sustainable servicing of the proposed development

68. Prior to commencement of development, the Developer shall submit a Sustainable Drainage Systems (SuDS) Maintenance Plan for the written approval of the Planning Authority. The plan shall include a schedule of activities providing details and frequency of maintenance tasks required for all SuDS and Surface water drainage elements proposed. This maintenance regime shall have planned preventative and response elements and cover all emergency maintenance and repairs. The Developer shall keep full records akin to the statutory 'Safety File' including paper, digital and photographic of all sustainable drainage systems. Records to include the operation, implementation and maintenance & repair of the sustainable drainage systems. These records shall be handed over to new owners-Local Authority in suitable paper and digital formats at the time of sale-transfer or Taking in Charge.

Reason: To ensure proper and sustainable servicing of the proposed development and to prevent pollution and flooding.

69. All Sustainable Drainage Systems (SuDS) features within areas proposed for taking in charge shall be designed and constructed in accordance with Kildare County Council's Sustainable Drainage Systems (SuDS) Taking in Charge Standard Details.

Reason: To ensure that all areas proposed for Taking in Charge are to the required standard.

70. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local Planning Authority. The scheme shall subsequently be implemented as approved.

Reason: To prevent flooding and in the interests of sustainable drainage.

ADVICE NOTE TO APPLICANTS

All applicants are advised to make themselves aware of their responsibilities under the requirements of the Building Control Regulations 1997 to 2021, the EU Construction Products Regulations, and the EU Energy Performance of Buildings Regulations.

Further information and FAQ's can be found online at <https://localgov.ie/> or <https://kildare.ie/countycouncil/AllServices/BuildingandDevelopmentControl/>

NB: Failure to submit a Commencement Notice (where required) is an offence and will have serious consequences which cannot be regularised at a later date. You may have difficulties in selling your property if you cannot prove that the statutory requirements relevant to the property have been met.

