



Maynooth Community Council

06th April 2022

Re: Planning Appeal on behalf of Maynooth Community Council

**Ref: Kildare County Council Decision of Grant in respect of Planning Application # 21370
Parsons Street Maynooth**

Dear Sir or Madam,

Maynooth Community Council is a voluntary group representing Residents' Associations and Voluntary Groups in Maynooth. The Planning and Development Sub-Committee of Maynooth Community Council wishes to make the following observations in relation to the above-mentioned planning application on behalf of our members.

In general, we welcome the provision of much needed housing and creche spaces and support the development of this site which is zoned as town centre. With the addition of public realm spaces such as the proposed Plaza, the new development will extend the town centre and permeability of the area. We are aware of Maynooth's designation as a Keytown and understand that development is needed but we would like to see a balance in the plans for the area. The treatment of the Rectory is sensitive and while the removal of the wall along Parson St. is lamentable it does open up this beautiful building for all to enjoy.

Summary of the Grounds of our Appeal

1. An Environmental Impact Assessment Report should be completed by the applicant. The proposed development is situated in an environmentally sensitive area, adjacent to the Royal Canal green and blueways with important River Liffey Catchment areas in proximity. In addition, the Carton/Rye Water Special Area of Conservation lies near the site and significantly, The Joan Slade and Lyreen Rivers (a tributary of the Rye Water) will be affected by surface water runoff from the proposed site. The proposed site will be built in flood zone, will be built within a Riparian Zone, will discharge surface water into a tributary of the Lyreen River, an important salmonid tributary of the River Rye Water. These catchments lie within the catchment of the River Liffey, a nationally important salmonid system.

It is our view that the applicant has not adequately addressed these issues in the EIA screening report.

In section 3.6.1 ‘Characteristics of the Proposed Development’ of the EIA screening report, table 3.1, the applicant assessed the scale of the proposed development as insignificant. This is contrary to the findings of the KCC executive planner who, in her recommendation of refusal states that ‘the proposed development by reason of it’s scale and mass would be contrary to Policy ACA 2 of the County Development plan’. The senior executive planner also refers to the proposed development constituting a ‘substantial development’ (pg 70 of the planners report), the conservation officer states in his report that ‘the overall scale, density and form of the proposal remains substantial’ (ref conservation officer’s report 10/03/22 page 3 a) item 1).

In addition, we have further concerns that there is no evidence of a report being requested from Inland Fisheries on the proposed development. No report was received from Waterways Ireland on the development within the riparian zone.

With respect to the assessment of the cumulative impact in section 3.4 of the EIA screening report, none of the major developments in Maynooth have been considered (Ref: Applicant’s Environmental Impact Assessment Screening Report section 3.4). The applicant has omitted several significant recent developments such as the MariaVilla SHD development, Castlepark, Carton Wood nor applied any meaningful quantitative analysis to the assessment and its potential impact to the Rye Water/Carton SAC. Maynooth has not been subject to an updated review of the impact on the SAC/Natura 2000 sites given the amount of development that has taken place outside of the envisaged LAP.

Conclusion: Notwithstanding that the proposed development does not meet the requirements for a mandatory EIAR, the proposed site is situated in area of substantial environmental sensitivity and the sub-threshold assessment carried out by the applicant is disputed. The conclusion that no significant impacts will occur is premature and ill informed. The designation of the works as insignificant contradicts the planning authority and the omission of several key developments in the cumulative assessment is of concern in the context of the site’s many environmental sensitivities. This, combined with reports not having been received from the appropriate external bodies (Inland Fisheries and Waterways Ireland) leads us to conclude that an adequate environmental impact assessment has not been completed. Given the importance and urgency of dealing with the Climate and Biodiversity Crises, we believe there should be an expert Biodiversity Officer dedicated solely to Biodiversity/Environmental impact assessment in Kildare County Council as is the case in other local Authorities.

2. The proposed development in its current form will add to the unsustainable development of the town and is not in keeping with the section 28 guidelines on Sustainable Residential Development in Urban Areas.

Community Infrastructure:

Maynooth town is currently experiencing major unsustainable housing and apartment growth. The proposed development adds to this unsustainable growth. There is a crisis of community infrastructure in Maynooth even for its current population. For example, there are currently only 5 GP practices in operation, none of which are accepting new patients. Existing community members are travelling to neighbouring counties to avail of GP services and by doing so, cannot access the out of hours KDOC either. We have no community centre; no fulltime Garda Station and traffic has now reverted to the chronic pre-pandemic levels. The town also has no public sports amenities, such as a swimming pool and sports fields. Due regard has not been given to these concerns by the planning authority.

It is our observation that the applicant has not provided an adequate assessment of existing schools capacity. In the planning report section 7.10.1 there is reference to 'St. Peter's National school' which does not exist.

Traffic:

Traffic is a major issue in the town and is well documented and mentioned as far back as the 2013 LAP and before. This development will compound the issue further. The traffic survey submitted by the applicant was completed during a week when Maynooth University was closed for exams. Therefore, this traffic survey is seriously flawed and should not be used to draw any conclusions on the traffic levels in the town. The Maynooth Eastern relief road has not yet started and is subject to very many delays. The provision of this road is vital to the relief of traffic congestion in the town. No further housing should be occupied until this road is complete.

The planning authority Roads Dept and the Executive planner acknowledge this and recommended refusal. On page 68 of the planner's report, the executive planner states that 'the proposed development and subsequent traffic congestion in a highly trafficked area in a heavily congested town centre with every junction at capacity, in the absence of The Maynooth Outer Orbital Route, will seriously increase the existing serious traffic congestion in Maynooth'. She goes on to state that 'the proposed development would endanger public safety by reason of traffic hazard'.

The subsequent over riding decision made by the Senior Executive Planner stating 'that concerns regarding traffic cannot be the limiting factor for sustainable development in these locations' is dismissive and tunnel visioned, and it disregards the particular limiting, negative aspects of this very narrow street and its ability to deal especially with the extra commuting traffic expected due to the addition of a significant office development at the site.

Of further concern is that the local authority Roads Dept had concerns regarding the independence of the consultant regarding the carrying out of the Road Safety Audit Stage 1. These concerns can be found on the planner report page 63 item 23. The Roads Dept states that the issues raised have not been addressed.

These concerns have not been clarified by the applicant.

We note the request by KCC that traffic should not be allowed to turn right coming out of the proposed development onto Parsons St. Maynooth Community Council would ask how this will be enforced?

Conclusion: The decision to grant permission goes against the recommendations of the Section 28 guidelines and the recommendation of refusal by KCC executive planner who states on page 69 of the planning report that the development would be contrary to the proper planning and sustainable development of the area. As outlined above, there is a severe lack of community facilities to serve the existing community and therefore a decision to grant permission goes against the best practise in sustainable development. The existing traffic levels are unsustainable without adding to it with this development.

3. As per the Section 28 Guidelines for Planning Authorities Urban Design Manual - Best Practice Guidelines, section 1 Context:

At 7 storeys, the overall scale and density of the proposed development is not in context with and does not respond to its surroundings. The proposed development is excessively high and will have a profoundly negative impact on a number of key views. It will dramatically alter the character and setting of the harbour, the Royal Canal and the greenway towpath. It will negatively impact on the established views of the spire of St Patrick's Chapel dominate the skyline on approaching the town by the main Straffan Road or by train. A building height of maximum 4 storeys is more appropriate and in keeping with the heritage aspect of Maynooth.

The decision of grant was made without evidence of due regard been given by the Senior Executive Planner to Section 28 guidelines on 'Best Practice Urban Design Manual', or Urban Development & Building Heights Guidelines in the context of the site being of considerable architectural heritage sensitivity.

4. In relation to the Conditions of Grant Schedule 2) Conditions to apply:

Condition 3 (e): Pedestrian access shall be provided to the Royal Canal towpath along the southwest boundary.

Our comment: This was not the subject of public consultation, and we would request that a condition is now made that this information be made available for public consultation.

Condition 8 (b): An Ecological Clerk of Works shall be appointed prior to the commencement of the development.

Our Comment: We request that a condition is made that the applicant inform the planning authority in writing of the appointment and name of the consultant prior to the commencement of development and that the planning authority clearly provide evidence of this appointment to the public domain.

Condition 17: the Developer shall submit, for the written agreement of the Planning Authority, the design details of the proposed signalised works and controlled crossing facilities...'

Our Comment: No information regarding signalised works were submitted in the original planning file or the further information, therefore was not the subject of public consultation and we would request that this information be made available for public consultation.

Condition 50: The developer shall retain the services of a qualified Arborist for the entire period of construction activity.

Our comment: We request that the planning authority provide evidence of this appointment to the public domain

Condition 53 a): The Developer shall retain the services of the qualified Landscape Architect throughout the life of the construction works.

Our comment: We request that the planning authority provide evidence of this appointment to the public domain.

Your faithfully,

Maynooth Community Council