



The application on this file and the Inspector's report were considered at a Board meeting held on 20th April 2017. The Board decided to defer consideration of the case to a further meeting.

At a further Board meeting held on 27th April 2017 the Board decided, generally in accordance with the Inspector's recommendation, to make a **split decision**, to

- (1) Approve the making of the proposed amendments no1 to no.4 inclusive (Vote 3:3, casting vote)

and

- (2) Determine that proposed amendment no.5 would be a material change and accordingly to require consultation/ notification to be carried out (in accordance with section 170A(7)) (unanimous).

for the following reasons and considerations.

Reasons and Considerations 1 (Approval of making of proposed amendments no1 to no.4 inclusive)

Having regard to

- the planning history of the SDZ scheme approved by ABP in April 2014, and to the overall scope and objectives of the approved planning scheme
- The nature of the proposed amendments (no.1 to no.4 inclusive) which follow from updated government planning guidelines (made under section 28 of the

Planning & Development Act 2000 (as amended)) in relation to residential development standards

- The report of the inspector

The Board considered that the proposed amendments would satisfy the criteria of section 170A(3)(b) of the Planning and Development Act, and therefore would not be of such a nature as to affect the overall nature of the scheme or require a more fundamental review procedure to be followed.

Having regard to the overall provisions of s170A of the Act, the Board agreed with the inspector's conclusion that the proposed amendments would not be material, given the limited changes arising for the floor areas, densities and amenities of the scheme, and therefore the limited potential to impact on the overall scheme objectives or the character of the overall Cherrywood area.

The Board adopted the screening assessment carried out by the inspector in relation to the requirement for Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA). The Board agreed with his conclusion that the need for SEA or AA does not arise owing to the limited nature of the proposed amendments and the scope of the original SEA and AA procedures already completed for the adopted scheme.

Reasons and Considerations 2 (Proposed Amendment no.5 is considered material)

Having regard to

- the planning history of the SDZ scheme approved by ABP in April 2014, and to the overall scope and objectives of the approved planning scheme,
- The nature of the proposed amendment number 5 which introduces a new approach to the phasing of development of retail floorspace in the town centre with potential consequences for the overall development of the area,
- The report of the inspector

Based on the information on file at this stage, the Board considered that the proposed amendments would satisfy the criteria of section 170A(3)(b) of the Planning and Development Act, and therefore would not be of such a nature as to affect the overall nature of the scheme or require a more fundamental review procedure to be followed.

Having regard to the overall provisions of s170A of the Act, the Board agreed with the inspector's conclusion that the proposed amendment no.5 would be material, given the potential for the amendment to allow a material change in the pace of delivery of town centre retailing activities vis-à-vis the overall roll out of residential development of the Cherrywood area. This could have material planning consequences for the emerging Cherrywood area and on the wider area in terms of retailing activities and transportation.

The Board adopted the screening assessment carried out by the inspector in relation to the requirement for Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA). The Board agreed with his conclusion that the need for SEA or AA does not arise owing to the nature of the proposed amendment and the scope of the original SEA and AA procedures already completed for the adopted scheme.

Note to Section: Please advise PA to initiate consultation mechanisms of s170A(7) in relation to **proposed amendment no.5**. Regard can be had to pages 21 and 22 of Inspector's report.

Note to Drafting: Please prepare Draft Order relating to approval of proposed amendments 1-4. Please co-ordinate the issuing of signed Order with notifications by Section (above). No Board Order required in relation to proposed amendment no.5 at this stage in the process.

Board Member:

Conall Boland

Date: 29th April 2017