



An
Bord
Pleanála

Inspector's Report ABP-308753-20

Development	Amendments to Cherrywood SDZ Planning Scheme – Beckett Road Re- Alignment and Ancillary Amendments
Location	Cherrywood, Co. Dublin
Planning Authority	Dun Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	N/A
Applicant(s)	Dun Laoghaire-Rathdown County Council
Type of Application	Amendment of SDZ Planning Scheme
Inspector	Paul O'Brien

1.0 Introduction

- 1.1. The Government designated lands at Cherrywood as a Strategic Development Zone (SDZ) on the 25th of May 2010. The Cherrywood lands include a large area of circa 360 hectares located to the east/ south of the M50 and to the south west of the N11. The R118 regional road crosses through the site on a north east to south west axis, connecting the N11 with the M50. Development at different stages is underway in a number of locations on the designated Cherrywood lands and construction is ongoing. The completed Tully Vale and Druid Valley residential developments are outside of the Cherrywood SDZ lands.
- 1.2. Dun Laoghaire-Rathdown County Council, as the designated Development Agency for the SDZ, prepared a Planning Scheme for the SDZ which was approved by the Council on the 10th of December 2012. The Planning Authority gave notice of its decision to make a Planning Scheme for the Cherrywood SDZ on the 17th of December 2012. 16 no. appeals were made to the Board and it was decided to hold an Oral Hearing into these appeals, **ABP Ref. ZD06D.ZD2010** refers. The Planning Scheme was modified by a Board Order that was issued on the 25th of April 2014.
- 1.3. An application under **ABP Ref. ZE06D.ZE0002** was submitted by Dun Laoghaire-Rathdown County Council to the Board in January 2017 to amend the approved Planning Scheme. The application sought to update the Planning Scheme to incorporate changes prompted by the *Sustainable Urban Housing: Design Standards for New Apartment Guidelines* and also to revise the sequencing of retail development within the town centre. The Planning Authority was advised to initiate public consultation procedures in accordance with Section 170A(7) of the Planning and Development Act 2000 as amended. The Planning Authority subsequently advised the Board that it was withdrawing the proposed amendment.
- 1.4. An application under ABP Ref. **ABP-302223-18** was submitted by Dun Laoghaire-Rathdown County Council to the Board in September 2018 to amend the approved Planning Scheme under Section 170A(1) of the Planning and Development Act 2000 as amended. The amendments proposed the replacement of Chapter 7 of the Cherrywood Planning Scheme with a new one, that was updated to reflect the front loading of infrastructure and the implications of such provision for the timing of development. Infrastructure in the form of roads, public transport infrastructure and

public parks were provided, and which serves the first, second and third growth areas as detailed in the planning scheme. The Board decided to approve the amendments to the Cherrywood planning scheme having regard to the submitted details, the minor nature of the amendments, the Inspectors report, the immateriality of the amendments and that there are no changes to the quantum of residential and employment development proposed. Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA) did not arise due to the limited nature of the amendments and the scope of the already completed SEA and AA for the adopted scheme. These amendments can be considered as Amendments no. 5 of the Cherrywood Planning Scheme.

- 1.5. An application under ABP Ref. **ABP-305785-19** was submitted by Dun Laoghaire-Rathdown County Council to the Board in October 2019 to amend the approved Planning Scheme under Section 170A(1) of the Planning and Development Act 2000 as amended. The amendment proposed revisions to the car parking standards for the Cherrywood Lands having regard to updated Ministerial Planning Guidelines (Apartment Guidelines) made under Section 28 of the Planning and Development Act 2000 as amended. The Board decided to approve the amendments to the Cherrywood planning scheme having regard to the submitted details, the updated guidelines, and the Inspectors report. Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA) did not arise due to the limited nature of the amendments and the scope of the already completed SEA and AA for the adopted scheme. These amendments can be considered as Amendments no.6 of the Cherrywood Planning Scheme.
- 1.6. In the interest of completeness, Amendments 1 to 4 were made in August 2017 and referred to minor changes to the scheme having regard to the introduction of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, December 2015'.

2.0 The Process

- 2.1. The process whereby amendments to a planning scheme for a Strategic Development Zone (SDZ) can be made is set out in Section 170A of the Planning and Development Act, 2000 as amended.

- 2.2. A summary of the statutory provisions is provided as follows.
- Under sub-section (1) of this Section, a Planning Authority may make an application to the Board to amend a planning scheme.
 - Under sub-section (2), the Board shall make a decision as to whether or not the proposed amendment constitutes a material change to the planning scheme.
 - Under sub-section (3)(a) where the amendment fails to satisfy the criteria of sub-section (3)(b), the Board shall require the planning authority to amend the planning scheme in compliance with section 169. The criteria detailed in sub-section (3)(b) include that the amendment, (i) would not constitute a change in the overall objectives of the planning scheme, (ii) would not relate to already developed land in the planning scheme, (iii) would not significantly increase or decrease the overall floor area or density, (iv) would not adversely affect or diminish the amenity of the area.
- 2.3. If such an amendment would lead to changes that would only be minor in nature, then, provided there is no need for SEA or AA, the Board may, under sub-section (4)(a), approve this amendment to the planning scheme.
- 2.4. If the proposed amendment would constitute a material change to the planning scheme, then sub-section (4)(b) becomes crucial. Before the Board approves such an amendment, or an alternative amendment of no greater significance, the provisions of the following sub-sections shall be complied with.
- Under sub-section (5), the Board shall screen the proposed amendment, or its alternative, for SEA and AA. If SEA and/or AA are required, then under sub-section (6)(b) the planning authority shall be required to undertake preparation of the same.
 - Under sub-section (7), the planning authority shall be required to undertake a notification and consultation exercise as set out in this sub-section. Thereafter, under sub-section (8), the planning authority shall prepare a report on the submissions and observations received as a consequence of this exercise. The said report shall be prepared in accordance with the provisions set out in sub-section (9) and the Board shall subsequently, under sub-section (10), have regard to this report.

- Under sub-section (4)(b) itself, the Board shall determine whether or not the proposed amendment would come within the criteria set out in sub-section (3)(b). If it would do so, then the Board may approve this amendment or its alternative. If it would not do so, then under sub-section (3)(a), the planning authority shall be required to amend the planning scheme in accordance with the procedures set out in Section 169 for the making of a planning scheme.
- 2.5. Under sub-section (11), subject to any SEA and/or AA obligations, if the Board has determined to make the proposed amendment or its alternative, under sub-section (4), then the planning scheme shall be so amended, and the planning authority notified accordingly. If sub-section (7) was activated, then all those who made submissions/ observations shall be notified.

3.0 The Proposal

3.1. Background

- 3.1.1. The proposed amendment, as described by the Planning Authority in their cover letter dated 14th October 2020, refers to the re-alignment of a portion of the 'Beckett Road' and is Amendment no. 7 of the Cherrywood Planning Scheme 2014.
- 3.1.2. Reasons for this realignment include cost and the duration of the construction works as emerged from engineering studies of the proposed alignment and design studies of an alternative route/ alignment which is now proposed as the revised routing.

3.2. The Planning Authority's Proposed Amendment

- 3.2.1. Beckett Road is described and is indicated on Map 4.5, Road Hierarchy, as a Level 2 Distributor Road. Map 4.5 of the Cherrywood Planning Scheme indicates that Beckett Road extends from Junction E to the north west of the scheme and runs parallel to the north eastern side of the M50, passing through Junctions E2, F, G and finishes at Junction H, which is located to the southern side of the scheme. The proposed amendment refers to the section between where 'Lehaunstown Lane' interfaces with Beckett Road and as far as Junction H. The proposed amendment also includes a revised cross section of Beckett Road from Junction E to Junction G such that a two-way cycle track is provided along the northern section of Beckett Road in lieu of a 'with-flow' cycle track on either side of the road as per the approved scheme and demonstrated in Figure 4.4 – Road and Street Sections. There is no

change to the width of the road and the design is in accordance with the National Transport Authority (NTA) requirements. A letter on file from the NTA confirms that the revised road layout is acceptable.

- 3.2.2. The alterations to Beckett Road result in revisions to other parts of the approved scheme including a change in the zoning of some lands, though, overall, these are relatively minor and localised to the vicinity of the realigned road. These are listed in the ‘Proposed Amendment No.7’ document and the supporting ‘Background Paper to Proposed Amendment 7 Beckett Road Realignment’.

Appendix H is deleted as reference is no longer required for the proposed Wyattville Underpass.

- 3.2.3. In addition to the revisions to Beckett Road and associated alterations, the Amendment has included a significant number of revisions, to the text of the Cherrywood Planning Scheme document, to correct spelling errors and other improvements. These are as follows, listed by Chapter/ Page number:

Chapter 1:

No Change proposed.

Chapter 2:

Page	Existing	Proposed
10	Revise part of Table 2.1 High Intensity Employment 16 Ha Commercial Uses 8 Ha Residential 75 Ha	To now read High Intensity Employment 15.5 Ha Commercial Uses 6.5 Ha Residential 76 Ha
11	Revise Map 2.1	Map now shows the proposed revised road layout and revisions to zoning to reflect this revised layout.
12	Revise Map 2.2	No change to density but changes to the area of Res 2 and Res 3 sites.
13	Revise part of Table 2.2	To now read

	<p>Commercial Uses Sq.m 77,000* - (two locations)</p> <p>Residential</p> <p>Circa 6,196</p> <p>Circa 8,786</p> <p>Circa 8,186</p>	<p>65,000* - (two locations)</p> <p>Circa 6,255</p> <p>Circa 8,878</p> <p>Circa 8,278</p> <p>Also add Circa before 600 units</p>
14	<p>Revise part of Table 2.5</p> <p>Site Area</p> <p>HIE 3 – 1.6 Ha</p> <p>HIE 4 – 3.8 Ha</p> <p>HIE 5 – 1.96 Ha</p> <p>Quantum Remaining Sq.m</p> <p>HIE 3 – 17,000</p> <p>HIE 4 – 57,000</p> <p>HIE 5 – 24,000</p> <p>Plot Ratio</p> <p>HIE 4 – 1:1.5</p> <p>Subtotals Sq.m</p> <p>HIE 3 – 17,000</p> <p>HIE 4 – 57,000</p> <p>HIE 5 – 24,000</p>	<p>To now read</p> <p>Site Area</p> <p>HIE 3 – 1.9 Ha</p> <p>HIE 4 – 3.4Ha</p> <p>HIE 5 – 1.55 Ha</p> <p>Quantum Remaining Sq,m</p> <p>HIE 3 – 21,000</p> <p>HIE 4 – 58,000</p> <p>HIE 5 – 19,000</p> <p>Plot Ratio</p> <p>HIE 4 – 1:1.7</p> <p>Subtotals Sq.m</p> <p>HIE 3 – 21,000</p> <p>HIE 4 – 58,000</p> <p>HIE 5 – 19,000</p>
14	<p>Revise part of Table 2.8</p> <p>Site Area – 1.8</p> <p>Min Quantum Sq.m – 18,000</p>	<p>To now read</p> <p>Site Area – 1.3</p> <p>Min Quantum Sq.m – 13,000</p>

	Total Min Quantum Commercial Uses – 77,000 Sq.m	Total Min Quantum Commercial Uses – 65,000 sq.m
14	<p>Amend Section 2.7 –</p> <p>75</p> <p>Amend Section 2.7.2 –</p> <p>8,786</p> <p>A maximum of 1,600 residential..</p> <p>75</p> <p>6,136 dwellings</p>	<p>To now read</p> <p>76ha</p> <p>To now read</p> <p>8,878</p> <p>A maximum of circa 1,600 residential..</p> <p>76</p> <p>6228 dwellings</p>
15	<p>Revise part of Table 2.9</p> <p>Res 2:</p> <p>Land Area HA – 43.9</p> <p>Min Units – 1,976</p> <p>Max Units – 3,073</p> <p>Res 3:</p> <p>Land Area HA – 21.3</p> <p>Min Units – 1,385</p> <p>Max Units – 2,130</p> <p>Totals:</p> <p>Land Area HA – 75</p> <p>Min Units – Circa 6,196</p> <p>Max Units – Circa 8,786</p>	<p>To now read</p> <p>Res 2:</p> <p>Land Area HA – 44.5</p> <p>Min Units – 2,003</p> <p>Max Units – 3,115</p> <p>Res 3:</p> <p>Land Area HA – 21.8</p> <p>Min Units – 1,417</p> <p>Max Units – 2,180</p> <p>Totals:</p> <p>Land Area HA – 76</p> <p>Min Units – Circa 6,255</p> <p>Max Units – Circa 8,878</p>
16	<p>Revise Map 2.3</p>	<p>Map now shows the proposed revised road layout and revisions to</p>

		land allocation to reflect this revised layout.
17	Revise Map 2.4	Map now shows the proposed revised road layout and revisions to land allocation to reflect this revised layout. Res 2 Plot no longer has direct road frontage due to need for noise attenuation measures.
18	Revise Map 2.5	Map now shows the proposed revised road layout and revisions to land allocation to reflect this revised layout and revisions to symbology.

Chapter 3:

No changes proposed to the chapter other than amendment to typographical error on Page 30, Specific Objective H 64: remove **undeTilss** and replace with underpass.

Chapter 4:

Page	Existing	Proposed
32	Revise Map 4.1	Map now shows the proposed revised road layout and realigned Trunk Main, which runs under the realigned Beckett Road.
34	Revise Map 4.2	Map now shows the proposed revised road layout and detention basin is relocated to reconfigured CU3 site.
36	Revise Map 4.4	Map now shows the proposed revised road layout, and the foul sewer has been realigned to follow

		the as constructed junction of Castle Street and Bishop Street.
39	Revise Map 4.5	Map revised to show the revised road layout on the overall road hierarchy. The revised road retains its Level 2 Road status.
41 + 42	Revise Figure 4.4	Demonstrates the revised cross section of Beckett Road. Add Indicative to the caption.
43	Revise Map 4.6	Map revised to show the proposed revised road layout.
44	Revise Section 4.2.7 Remove typo undeTIlss After ... parallel to the M50	Revised as follows: Replace with underpass Add: ,until it meets the junction with Bishop's street, runs to the north of the and then
47	Revise Map 4.7	Map revised to show the proposed revised road layout.
48	Revise Map 4.8	Map revised to show the proposed revised road layout.

Chapter 5:

Page	Existing	Proposed
50	Revise Figure 5.1	Map revised to indicate the location of the new public space at the site of the Cairn/ Wedge Tomb.
51	Revise part of Table 5.1 to add new category of Pocket Park	To now read: Under 'Classification' – Pocket Park

		<p>Under 'Planned provision' – Cairn/ Wedge Tomb</p> <p>Under 'Approx Size' – circa 0.7ha</p> <p>Under 'Description' – Small civic open space which provides a setting for the Cairn/ Wedge Tomb Site</p>
52	Revise Map 5.1	Map revised to show the proposed revised road layout and includes the new Pocket Park at the Cairn/ Wedge Tomb site.
53	Add additional text to Objective GI 26.	<p>Additional text:</p> <p>The design of the park shall incorporate a universal access link between Lehaunstown Lane Greenway and Beckett Road having regard to the level changes at this location and serve to celebrate the entrance point between Lehaunstown Lane and Lehaunstown Park.</p>
55	Revise Map 5.2	Map revised to show the proposed new pocket park at the site of the Wedge Tomb/ Cairn.
56	<p>Add additional text to Objective GI 40.</p> <p>New objective GI 41</p>	<p>Additional text:</p> <p>Add 'and Green Infrastructure' & 'and Beckett Road,' to this objective.</p> <p>Objective GI 41 was included in accordance with the requirements of Condition 5(c) of the approved Cherrywood Planning Scheme. A</p>

	<p>Add text to DA 44</p>	<p>Additional text as follows:</p> <p>..and in a manner consistent with Objective PD 33 shall include noise mitigating measures..</p> <p>With regard to the Res 2 Plot in Macnebury and in a manner consistent with Objective PD 33, the planning application and design of this Res 2 plot shall include noise attenuation measures along the boundary of Beckett Road, by way of a landscaping berm with inappropriate woodland planting mix which shall incorporate a high-quality acoustic fence/ wall, demonstrating the protection of the residential amenity of this site.</p>
79	<p>Add text to DA 46</p>	<p>Additional text as follows:</p> <p>...and to incorporate a universal access route as part of the design of Lehaunstown Park Public Open Space which will connect Lehaunstown Lane Greenway with Beckett Road and the pedestrian access across the M50 having regard to the level changes at this location and ensuring ease of access for all who are using the greenway infrastructure in Cherrywood.</p>

		<p>In the event that Beckett Road is developed prior to Lehaunstown Park, any planning application for Beckett Road E-F shall ensure that a universal access is provided between Lehaunstown Lane and Ticknick Park.</p>
79	<p>Add text to DA 47</p>	<p>Additional text as follows:</p> <p>Planning permission for the Class 2 Open Space associated with the Cairn/ Wedge Tomb in Macnebury shall be sought as part of the planning application which provides Beckett Road F-G. The works associated with construction of this section of Beckett Road and the Class 2 Open Space associated with the Cairn/ Wedge Tomb, will be subject to the consent of the Minister for Culture, Heritage and the Gaeltacht under Section 14 of the National Monuments Act 1930 as amended by Section 5 of the National Monuments (Amendment) Act 2004.</p> <p>The following shall also be provided:</p> <ul style="list-style-type: none"> • The Class Two open space, particularly the pedestrian entrance point from Beckett Road, shall be carefully designed so as to ensure a safe and inviting entrance and to avoid the Cairn/

		<p>Wedge Tomb being severed from the main planning scheme area, while celebrating this national monument.</p> <ul style="list-style-type: none"> • A safe and direct pedestrian/ cycle connection shall be provided from the Cairn/ Wedge Tomb site, across Beckett Road, via the RES 3 site to the north of the Cairn/ Wedge Tomb Site and the National Monuments at Tully Park having regard also to the need to provide a safe pedestrian crossing point on Bishops Street. A safe and direct pedestrian/ cycle connection shall also be provided between Lehaunstown Lane and the Junction of Beckett Road with Bishops Street through the Res 2 site, therefore enhancing connectivity between the Cairn/ Wedge Tomb site, Tully Park and Church and Lehaunstown Park. This shall be included as part of any planning application relating to these Residential sites. • Additional screening in the form of suitable planting and noise attenuation shall be provided along the Cairn/ Wedge Tomb's site boundary with the M50 as required. The potential impact of any tree roots on the archaeology
--	--	---

		<p>of the site must be carefully considered in this regard.</p> <ul style="list-style-type: none"> Careful consideration shall also be given to the landscaping of the entrance points on either side of the Wyattville Link Road to enhance its visual amenity, enhance the setting of the Cairn/Wedge Tomb and provide an attractive environment for cyclist and pedestrians.
	<p>Revise Table 6.7.1</p> <p>High Intensity Employment 5.76</p> <p>Commercial Uses 4.1</p> <p>Residential 5.3</p> <p>Green Infrastructure 1.4</p> <p>And</p> <p>Net Developable Ha 15.15</p> <p>Revise Figures in Non-Residential Development table:</p> <p>5.76</p> <p>81,000</p> <p>3.8</p> <p>57,000</p> <p>1:1.5</p>	<p>Revised figures:</p> <p>High Intensity Employment 4.95</p> <p>Commercial Uses 2.9</p> <p>Residential 6.4</p> <p>Green Infrastructure 2.2</p> <p>Revise</p> <p>Net Developable Ha 14.25</p> <p>New figures:</p> <p>4.95</p> <p>74,000</p> <p>3.4</p> <p>58,000</p> <p>1:1.7</p>

	1.96 24,000	1.55 19,000
	Revise Figures in Commercial Uses table: 4.1 41,000 0.7 7,000	Revise to 2.9 29,000 1.3 13,000 Also the section/ figures for Site CU3 is omitted in its entirety.
	Revise Figures in Residential Development table: Total Residential Lands HA 5.3 Res 2 1.2 Res 3 4.1 No. of Dwellings on Residential Lands Min: 321 Max: 494 Overall Residential Density Min: 61 per ha Max: 93 per ha Total No. of Residential Dwellings: Min: 321 Max 494	Revise to: Total Residential Lands HA 5.5 Res 2 1.8 Res 3 4.6 No. of Dwellings on Residential Lands Min: 380 Max: 586 Overall residential Density Min: 59 per ha Max: 92 per ha Total No. of Residential Dwellings: Min: 380 Max 586
79	Remove typo undeTlss	Replace with underpass
80	Revise Map 6.8	Map revised to show the proposed revised road layout.
82	Remove typo undeTlss	Replace with underpass

85	Revise Map 7.1	Map revised to show the proposed revised road layout – Beckett Road realignment.
87	Revise Map 7.2	Map revised to show the proposed revised road layout – Beckett Road realignment.
124	Appendix H	Delete this in its entirety.

3.2.4. A number of supporting documents are provided including:

- Background Paper to Proposed Amendment 7 – prepared by the Cherrywood Development Agency Team (DAPT).
- AECOM were engaged to carry out an independent review of the road layout.
- AECOM has also submitted an Order of Magnitude Cost (OMC) Estimate
- JBA Consulting were engaged to carry out an independent review of the surface water drainage requirements of the proposed realigned road.
- CAAS Limited were engaged to review the Strategic Environmental Assessment (SEA) which accompanied the planning scheme.
- CAAS Limited were engaged to review the Appropriate Assessment (AA) Screening which accompanied the planning scheme.
- A letter of support for the Amendment were received from the National Transport Authority (NTA), Transport Infrastructure Ireland (TII), the Department of Culture, Heritage and the Gaeltacht and the Office of Public Works (OPW).

4.0 **Assessment**

I have assessed the submitted documentation and the proposed amendments as described. The proposed amendment will provide for a re-alignment of Beckett Road and which will result in revisions to adjoining lands. In addition, the proposed amendment provides for minor revisions to the Planning Scheme such as addressing typographical errors and revised table details. I have assessed the amendments to the Planning Scheme below.

4.1. **Section 170A (2): Would the proposed amendments make a material change to the Cherrywood Planning Scheme?**

4.1.1. Procedurally, under Section 170A (2) of the Act, the Board is required to address the question as to whether any proposed amendment to a planning scheme would constitute a material change to the planning scheme. Under sub-section 3(a), if such an amendment fails to satisfy the criteria set out in sub-section 3(b), then it is by definition a material change that triggers the procedures set out under Section 169 of the Act. This does not exhaust the possibility that an amendment may be material, as signalled by sub-section 4(b). Thus, if the Board considers that, under sub-section 4(a), an amendment is not “minor in nature” and yet sub-section 3(b) is satisfied, then its materiality triggers procedures set out in the remainder of Section 170A, presumably with the intention of informing the view that the Board takes on such an amendment, i.e. whether to approve it or an alternative amendment of no greater significance.

4.1.2. The criteria detailed in sub-section (3)(b) include that the amendment, (i) would not constitute a change in the overall objectives of the planning scheme, (ii) would not relate to already developed land in the planning scheme, (iii) would not significantly increase or decrease the overall floor area or density, (iv) would not adversely affect or diminish the amenity of the area.

4.1.3. From the available information, the nature of the amendments is clearly set out.

Under 3(b)(i) (The amendment) would not constitute a change in the overall objectives of the planning scheme:

The Planning Scheme sets out to develop the Cherrywood lands for a mix of residential and commercial development. Suitable infrastructure is to be developed in support of the land use. The amendment results in the realignment of Beckett Road for reasons of efficiency. This realignment does not result in any significant change in road capacity and improves the provision of bicycle infrastructure.

As a consequence of the realignment, adjacent lands are revised in terms of layout/ land use zoning. A commercially zoned area is revised for residential use and an additional area of Green Infrastructure is allocated to ensure the protection of a Cairn/ Wedge Tomb. Other minor revisions are made to the Planning Scheme on

foot of these revisions and to address some typographical errors. From the available information, the amendment will not constitute a change in the overall objectives of the Planning Scheme.

- 4.1.4. **Under 3(b)(ii)** (The amendment) would not relate to already developed land in the planning scheme:

No significant development has taken place in this area to date. Some ground works and haul roads have been provided in the vicinity, but no permanent development has been provided that would require significant alteration in order to comply with the revised Planning Scheme.

It can be assumed that where development is permitted or complete, that it will comply with the requirements of the planning scheme as in force at the time of the grant of permission. In addition, any alteration to a permitted development would have to comply with the requirements as in place at the time of assessment of a submitted planning application.

- 4.1.5. **Under 3(b)(iii)** (The amendment) would not significantly increase or decrease the overall floor area or density:

Table 6.7.1 of the Planning Scheme provides a breakdown of Land Use in hectares. The increase in Green Infrastructure from 1.4 hectares to 2.2 hectares and revisions to the commercial, employment and residential areas results in an overall reduction in the Net Developable HA from 15.16 to 14.25. There is a consequential reduction/increase in the quantum of floor areas that can be developed. The alterations are relatively minor and will not significantly increase or decrease the overall floor area or density of the Planning Scheme.

- 4.1.6. **Under 3(b)(iv)** (The amendment) would not adversely affect or diminish the amenity of the area:

The revisions to the road layout do not increase the width or overall nature of Beckett Road and therefore there is no impact on the amenity of the area. Similarly, the revisions to the area/ land use zoning of the adjoining lands to the realigned road is relatively minor and will not diminish the amenity of this part of the Cherrywood Planning Scheme.

4.2. **Conclusion with respect to materiality**

- 4.2.1. I am satisfied that the amendments to Beckett Road are minor in nature and would not lead to a material change in the Planning Scheme approved by the Board. In addition, the associated revisions to the adjoining lands and the updating of the text of the Planning Scheme will not lead to a material change in the Planning Scheme approved by the Board.

5.0 **Section 170A(4)(a): Do the proposed amendments need to be the subject of SEA and/or AA?**

- 5.1. The tests under sub-section (4) of the Act are whether the proposed amendment would have significant effects on the environment or on a European Site.
- 5.2. A Strategic Environmental Assessment (SEA) screening report on the proposed amendments, prepared by CAAS Ltd. was submitted to the Board with the amendment application. The report assesses the proposed amendments against the criteria set out in Annex II of Directive 2001/42/EC. It is noted that the Cherrywood Planning Scheme was subject to a full SEA and Screening for Appropriate Assessment (AA). The report finds that the proposed amendments seek to update the planning scheme so as to revise a section of the proposed Beckett Road. As a result of this realignment, adjoining lands will be revised in terms of layout and zoning. The amendments do not alter the overall vision and ethos on which the Planning Scheme is based.
- 5.3. Noting that the Planning Scheme was subject to a full SEA and Screening for AA, it is considered that no additional adverse effects arise from the proposed amendments, either significant, potential or uncertain, that were not envisaged and mitigated by the SEA for the Planning Scheme.
- 5.4. Likewise, the report states that the SEA processed integrated environmental considerations into the Planning Scheme and found that the Planning Scheme contributes to environmental protection and management and sustainable development. The proposed amendments remain consistent with the policies and objectives of the Planning Scheme, do not influence other plans and no cumulative effects are predicted, no transboundary effects or any risks to human health or the environment are predicted.

- 5.5. The SDZ lands do not form part of a Natura 2000 site or other designated area, and have no landscapes of a recognised national, EU or international protection.
- 5.6. On the basis of the information on the file, which I consider adequate to inform a screening determination, it is considered that the proposed amendments to the Planning Scheme, are not likely to have significant effects on the environment within the meaning of Annex II of Directive 2001/42/EC.
- 5.7. An AA screening report on the proposed amendment was submitted to the Board with the application. The report notes that there are no likely significant direct, indirect or secondary impacts of the project by virtue of size and scale, land-take, distance from Natura 2000 sites or key features, resource requirements, emissions, transportation, duration of construction, operation, and decommissioning.
- 5.8. The report notes that the Cherrywood SDZ Planning Scheme, to which the proposed amendments relate, has undergone an AA Screening as well as a full SEA. It concludes that the proposed amendments to the Planning Scheme, either individually or in combination with other plans and projects would not give rise to significant effects on the integrity of any Natura 2000 site.
- 5.9. On the basis of the information on the file, which I consider adequate to inform a screening determination, and having regard to the nature and scale of the proposed amendments, the nature of the receiving environment, and proximity to the nearest European site, no appropriate assessment issues arise and it is considered that the proposed amendment to the planning scheme would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site. Thus under Section 170A(5) of the Planning and Development Act 2000 as amended, neither SEA nor AA is necessary for the proposed amendment to the Cherrywood Planning Scheme.

6.0 Conclusion

- 6.1. In this report I have firstly addressed the issue raised by Section 170A(2) of the Planning and Development Act 2000 as amended, as to whether or not the proposed amendment would lead to a material change to the Cherrywood Planning Scheme and I have concluded that it would not do so.

- 6.2. Secondly, I have addressed the issue raised by Section 170A(5), as to whether or not the proposed amendment would need to be subject to SEA and/ or AA and I have concluded that it would not.
- 6.3. In light of the assessment that the proposed amendment does not constitute the making of a material change to the planning scheme under section 170A(2), satisfies the criteria of section 170A(3)(b), and that the proposed amendment is not likely to have significant effects on the environment or on a European site, it is recommended that the Board approve the proposed amendment under section 170A(4)(a) and notify the Planning Authority of the approval of the amendment in accordance with section 170A(11).

7.0 Recommendation

That, under Section 170A(2) of the Planning and Development Act as amended, the Planning Authority shall be notified of the Board's decision that the proposed amendment would not constitute the making of a material change to the Cherrywood Planning Scheme and so, as this amendment would be minor in character, the Board, under sub-section (4)(a) approves the making of the amendment to this Planning Scheme.

8.0 Reasons and Considerations

Having regard to:

- The planning history of the SDZ scheme approved by An Bord Pleanála on 25th April 2014, and to the overall scope and objectives of the approved planning scheme,
- The nature of the proposed amendments which allow for a realignment of the proposed Beckett Road and which results in minor revisions to the layout and zoning of adjoining lands.
- In addition, proposed amendments are made to the text of the Planning Scheme in order to update tables/ figures as a result of the impact of the realigned road network and also to revise typographical errors in the text of the Planning Scheme.

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 Section 170A of the Act, the proposed amendments would not be material, given the limited potential to impact on the overall scheme objectives or the character of the overall Cherrywood Planning Scheme 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 the 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.

Paul O'Brien
Planning Inspector

8th April 2021