



An  
Bord  
Pleanála

## Inspector's Report ABP-310422-21

### Development

Request to make alterations to development of 935 residential units, childcare facility and 2 retail units authorised by the Board under ABP-301522-18 as subsequently altered under ABP-304212-19, ABP-305172-19 and AB-308563-20 .

### Location

Clay Farm, Dublin 18

### Planning Authority

Dun Laoghaire County Council

### Applicant

Viscount Securities

### Type of Application

Section 146B - Request to alter previously approved Strategic Housing Development

### Inspector

Stephen J. O'Sullivan

## 1.0 Planning History

- 1.1. This report deals with a request from Viscount Securities seeking to amend an SHD permission granted under ABP-301522-19 at Clay Farm, Ballyogan Road, Dublin 18. The original permission was granted on 1<sup>st</sup> August 2018 and authorised 927 homes of which 572 would be apartments and 355 would be houses, as well as 2 shops and a creche. The apartments would be in 17 blocks between 3 and 6 storeys high. 1,458 car parking spaces would be provided in the authorised development. 2 spaces would be provided on the curtilage of each house. The spaces serving the apartments would be along the street or in basements. The authorised development includes associated site works and services, including a large open space and an extension of a loop road for the wider area zoned for housing.
- 1.2. Under ABP-304212-19 the board made an alteration to the permission on 31<sup>st</sup> July 2019 which reduced the number of authorised homes to 924 and changed the internal layout of Blocks E01-09 and some car parking arrangements, having deemed the alteration not to be material.
- 1.3. Under ABP-305172-19 the board made a material alteration to the permission on 22<sup>nd</sup> April 2020 that increased the number of authorised homes to 933 by changing the number of apartments in Block W06, the layout of apartment Blocks E07-09 and putting a new apartment building in place of previously authorised houses near the local centre.
- 1.4. Under ABP-308563-20 the board made a material alteration to the permission on 21<sup>st</sup> April 2021 that increased the number of authorised homes to 935 by altering the layout of houses in the southern part of the scheme, replacing 49 houses with 51 houses.

## 2.0 Proposed alteration

- 2.1. The applicant has now requested that further alterations be made to the permission to allow an electrical substation to be provided in a shed whose plan dimensions would be 4.43m by 10.692m and that would have a flat roof 3.62m high. There would be a setdown area for ESB Networks vehicles behind the footpath beside that structure. The substation would be on a piece of the authorised public open space

near the centre of the overall site, west of the central access road and south of the permitted apartment blocks nos. W06 and W07. The applicant states that it is requesting the change because the ESB requires a separate supply to the adjacent apartment blocks. It states that the alteration would not be likely to have significant effects on the environment or on any European site.

### **3.0 Screening for EIA and AA**

- 3.1. Prior to the grant of permission under ABP-301522-18 it was determined that the overall development would not be likely to have significant effects on any Natura 2000 site and that an appropriate assessment was not required. None of the subsequent alterations to the permitted development would be likely to have any significant effect on any Natura 2000 site, either in themselves or in combination with any other plan or project. The alteration which is the subject of the current request is very small in scale relative to the authorised development and would not alter the character of the authorised uses. The alteration would not have the potential to have a significant effect on any Natura 2000 site, therefore, either individually or in combination with any other plan or project and an appropriate assessment is not required.
- 3.2. The authorised development was subject to environmental impact assessment prior to the granting of permission. The requested alteration would not alter the nature or scale of the authorised development. It would not change the size of the authorised development relative to the threshold of 500 dwellings or 10ha that would apply to new proposals of this type in this location under Class 10(b) of Part 2 of Schedule 5 to the planning regulations, and so would not fall within Class 13 of that schedule either. The information specified in schedule 7A to the planning regulations was submitted in connection with the request. It is evident from the characteristics and location of the proposed alteration, and from the characteristics of its potential impact, that it would not be likely to have significant effects on the environment other than those which were described and assessed in the EIA for the original permission. No such effects would be likely to arise either directly or indirectly or in combination with other projects. An environmental impact assessment of the requested alteration is not required, therefore.

## 4.0 **Assessment of Materiality**

- 4.1. The requested alteration would not change the nature or the scale of the overall residential development at Clay Farm authorised under ABP-301522-18 and subsequently altered under ABP-304212-19, ABP-305172-19 and ABP-308563-20.
- 4.2. The proposed substation would not have a significant impact on the visual character of the permitted development or the amenity provided by the public open space within it due to its small size and relatively inconspicuous situation. It would not interfere with the residential amenity of any of the authorised homes. It would not interfere with accessibility or the use of the public road by pedestrians, cyclists or motorists. It would not affect the compliance of the authorised development with any applicable national or local planning policies or rise any other concerns that are relevant to the proper planning and sustainable development of the area.
- 4.3. It is therefore concluded that the requested alteration would not be a material alteration in terms of the parent permission.

## 5.0 **Recommendation**

- 5.1. I recommend that the Board decides that the making of the alteration that is the subject of this request does not constitute the making of a material alteration of the terms of the development granted permission under ABP-301522-18 and amended under ABP-304212-19, ABP-305172-19 and ABP-308563-20, and that the board makes the requested alteration.

## **DRAFT ORDER**

**REQUEST** received by An Bord Pleanála on the 14<sup>th</sup> day of April 2021 from Viscount Securities under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of the Strategic Housing Development at Clay Farm, Dublin 18 which is the subject of a permission under An Bord Pleanála reference number ABP-301522-19.

**WHEREAS** the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 2<sup>nd</sup> day of August 2018,

**AND WHEREAS** the Board has received a request to alter the terms of the development which is the subject of the permission,

**AND WHEREAS** the proposed alteration is described as follows:

- Provide and ESB sub-station in the vicinity of the authorised apartment blocks W06 and W07

as shown on the drawings submitted with the request

**AND WHEREAS** the Board decided, in accordance with section 146B(2)(b) of the Planning and Development Act 2000, as amended, not to invite submissions or observations from the public in relation to whether the proposed alteration would constitute the making of a material alteration to the terms of the development concerned,

**AND WHEREAS** the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alteration would not result in a material alteration to the terms of the development, the subject of the permission,

**AND WHEREAS** having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alteration would not be likely to have significant effects on the environment or on any European Site,

**NOW THEREFORE** in accordance with section 146B(3)(a) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above mentioned decision so that the permitted development shall be altered in accordance with the plans and particulars

## REASONS AND CONSIDERATIONS

Having regard to:

- (i) the nature and scale of the Strategic Housing Development permitted under An Bord Pleanála Reference Number ABP-301522-18 for this site, as subsequently amended under ABP-304212-19, ABP-305172-19 and ABP-308563-20, which includes 935 dwellings, a creche, 2 retail units and all associated site works and services,
- (ii) the environmental impact assessment and the screening for appropriate assessment carried out in the course of that application,
- (iii) the limited nature and scale of the alterations, and
- (iv) the absence of any significant new or additional environmental effects (including those in relation to Natura 2000 sites) arising as a result of the proposed alterations, and
- (v) the absence of any new or significant issues relating to the proper planning and sustainable development of the area arising from the proposed alterations

It is considered that the proposed alterations would not be material. In accordance with section 146B(3)(a) of the Planning & Development Act, as amended, the Board hereby makes the said alterations.

---

**Stephen J. O'Sullivan,**  
**Planning Inspector, 2<sup>nd</sup> August 2021**