



An
Bord
Pleanála

Inspector's Report ABP-310915-21

Development

Request to make alterations to previously permitted development ABP-303799-19 due to rerouting of the 38 KV power line by ESB Networks.

Location

Bryanstown Wood, Drogheda, Co. Meath

Planning Authority

Meath County Council

Requestor

Coreet Limited

Type of Application

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

Inspector

Sarah Moran

1.0 Introduction

1.1. The request is to alter a project which the Board granted permission subject to 22 no. conditions on the 10th June 2019 (ref. no. **ABP-303799-19**) under the Strategic Housing Development provisions involving the construction of 250 number dwelling units with 94 number houses comprising:

- 12 number two-storey, two-bedroom terraced houses;
- 68 number two-storey, three-bedroom terraced houses and
- 14 number two-storey, three-storey semi-detached houses;

and 156 number duplex/apartments within eight number three-storey blocks comprising:

- 138 number two-bedroom apartments;
- 10 number three-bedroom apartments; and
- 8 number two-bedroom first/second floor duplex units.

The permitted development also included one number two-storey childcare facility with associated open space; public open space (within three number areas); 363 number car parking spaces and 140 number bicycle parking spaces; bin storage areas; two number ESB substations/kiosks; and all associated ancillary site development and infrastructure works including foul and surface water drainage, internal roads, public lighting, cycle paths and footpaths, boundary treatments and landscape works, potential for undergrounding and works to existing overhead ESB powerlines. A temporary foul water pumping station was also permitted as part of the development. Vehicular access to the development was from Beamore Road to the west with pedestrian and cycle access from Beamore Road to the west and from Beamore Road to the north.

1.2. There is a previous S146B request relating to ABP-303799-19, ref. **ABP-307945-20**, which involved the following alterations:

- The requested alterations related to the four duplex blocks at the centre of the permitted development, Blocks A, B, C and D.

- The requestor sought to replace the previously permitted projecting balconies with Juliette balconies to the front elevation at first and second floor levels of Blocks A (units 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 23) of Block B (units 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45 and 47), of Block C (units 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69 and 71) and of Block D (units 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93 and 95).
- The requestor also sought to extend the depth, by 250mm, of the main balconies at first and second floor levels to the rear elevation of Block A (units 9-24) B (units 33-47), C (units 57-72) and D (units 81-96).
- Replacement of the previously permitted single large glazing at first and second floor levels with 2 no. openings to units 22 & 24 in Block A and units 46 & 48 in Block B.

The Board issued a determination on 11th February 2021, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the requested alterations would not result in a material alteration to the terms of ABP-303799-21.

2.0 Legislative Basis

- 2.1. Section 146B of the Planning and Development Act 2000 (as amended) provides for a person carrying out or intending to carry out a Strategic Housing Development to make a request to alter the terms of a development, the subject of a planning permission under the Act. Section 146B(2)(a) provides that:

As soon as practicable after the making of such a request, the Board shall make a decision as to whether the making of the alteration to which the request relates would constitute the making of a material alteration of the terms of the development concerned.

Section 146B(2)(b):

Before making a decision under this subsection, the Board may invite submissions in relation to the matter to be made to it by such person or class of person as the Board considers appropriate (which class may comprise the public if, in the particular case,

the Board determines that it shall do so); the Board shall have regard to any submissions made to it on foot of that invitation.

Section 146B(3)(a):

If the Board decides that the making of the alteration would not constitute the making of a material alteration of the terms of the development concerned, it shall alter the planning permission, approval or other consent accordingly and notify the person who made the request under this section, and the planning authority or each planning authority for the area or areas concerned, of the alteration.

The provisions of section 146B(3)(b) to section 146B(9) set out the procedures where the Board decide that the making of the alteration would constitute a material alteration, including section 146B(3)(b) which allows the Board to require the requester to submit the information specified in Schedule 7A of the Planning and Development Regulations 2001 and section 146B(8) which requires that the request shall be made available for inspection and that the requester shall notify certain persons or the public that the information is so available and invite submissions or observations to be made within the specified period.

3.0 Proposal

3.1. The requestor seeks to make the following alterations to ABP-303799-20:

- The requested alterations arise as a result of the rerouting of a 38 KV power line at the southern end of the overall development, and the related erection of one no. electrical pylon.
- Replacement of 4 no Type 1 semi-detached houses with 3 no. Type 2 terraced houses at nos. 23-26 The Drive to facilitate permitted three pole structure stay wires.
- Replacement of 4 no. Type 2 terraced houses with 3 no. Type 2 terraced houses and relocation of 2 no. Type 1 semi-detached houses at 27-32 The Drive.
- Replacement of 7 no. Type 2 terraced houses with 3 Type 2 terraced houses and 2 no. Type 1 semi-detached houses at 53-59 The Drive to facilitate the erection of 1 no. electrical pylon.

- Relocation of permitted apartment Blocks E, F, G and H to facilitate 38 KV power lines reroute and three poles structure stay wires.
- The requested alterations involve the removal of a total of 4 no. permitted houses.

4.0 **Assessment of Materiality**

4.1. The first consideration in relation to this request to alter the terms of ABP-303799-19 is to determine if the making of the alterations would constitute the making of a material alteration of the terms of the Strategic Housing Development as granted.

4.2. The requestor submits that the requested alterations are not material and makes the following points in support of this statement.

- The requested alterations are necessary to facilitate the rerouting of the permitted 38 KV line, in accordance with ESB Networks operational requirements. A permitted 3 pole structure is to be replaced by a lattice mast. The mast will be over 15 m from any dwelling within the development and over 40 m from the nearest neighbouring dwelling. A total of two no. houses have been omitted from the south east corner of the site to achieve the minimum 15 m safe exclusion zone.
- The power lines will be brought underground and through the site from the western boundary to the eastern boundary. The permitted four no. Type 1 3-bed semi-detached houses at nos. 23-36 The Drive will be replaced by 3 no. Type 2 3-bed terraced houses, in order to achieve the 15 m exclusion zone in this part of the site. It is submitted that the requested replacement houses will have a similar appearance to the permitted houses at this location.
- Similarly, the requested alterations at nos. 27-32 The Drive involve the replacement of two no. Type 1 3-bed semi-detached houses and 4 no. Type 2 3-bed terraced houses with the removal of 1 no. Type 2 house and the relocation of 2 no. Type 1 houses, all in order to facilitate the 15 m exclusion zone.
- The permitted houses at nos. 53-59 The Drive comprise a block of four no. 3-bed Type 2 terraced houses and a block of 3 no. Type 2 terraced houses. These are

to be replaced by three no. Type 2 terraced houses and two no. Type 1 3-bed semi-detached houses, all in order to facilitate the 15 m exclusion zone.

- The requested relocation of the apartment Blocks E, F, G and H will also ensure the 15 m exclusion zone.

4.3. The requested alterations will decrease the overall quantum of development at the subject site. The revised housing mix involves already permitted house and apartment types and, having regard to the submitted architectural drawings and Housing Quality Assessment, I am satisfied that there will be no significant reduction in the quality of the development and that the development, as altered, will provide a satisfactory quality of accommodation for residents of the development. There will be no significant changes to the overall layout of the development such as would warrant a reconsideration of roads / traffic / parking issues, of open space provision. The alterations will not involve any significant change to the general appearance of the development such that there would be any significant impact on visual or residential amenities. I am satisfied that the requested alterations will not result in any substantive change to impacts on residential or visual amenities from those of the permitted development. The alterations do not involve any changes to the permitted surface water treatment, foul drainage or water supply.

4.4. I have considered the provisions of section 146B(2)(b) which provides for, at the Board's discretion, the invitation of submissions from persons, including the public. Having considered the nature, scale and extent of the alteration, the information on file and the nature, scale and extent of the development granted under ABP-303799-19, I am of the opinion that the requested alterations would not result in any substantive change to impacts on visual or residential amenities and that the inviting of submissions from the public in this instance is not necessary and is not required for the purposes of the Board in determining the matter.

4.5. I am of the opinion, having fully considered the proposed alterations and the development as granted under ABP-303799-19, that the Board would not have determined the proposal differently had the proposed amendments formed part of the said application. In that regard, I consider it reasonable to conclude that the proposal subject of this request does not constitute the making of a material alteration of the development as granted under ABP-303799-19.

4.6. Environmental Impacts

- 4.6.1. As outlined above, I consider that the requested alterations do not constitute the making of a material alteration of the development concerned and in this regard the provisions of Section 146B(3)(a) apply. As such there is no requirement for EIAR Screening, as there is no material alteration to the scheme and as a result its impact upon the surrounding environment remain unchanged.

4.7. Appropriate Assessment

- 4.7.1. An AA Screening Report was submitted with ABP-303799-19. The Board completed AA Screening in relation to the potential effects of the permitted development on designated European Sites, taking into account the nature, scale and location of the development, the AA Screening Report submitted with the application and the Inspector's report and submissions on file. The Board concluded that, by itself or in combination with other development in the vicinity, the development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment was not, therefore, required. I note section 11.0 of the Inspector's Report of ABP-303799-19, which considers potential effects on designated sites with regard to their qualifying interests. Having considered the Board's determination on Appropriate Assessment on ABP-303799-19, section 11 of the Inspector's Report on ABP-303799-19, the nature, scale and extent of the requested alterations relative to the development subject of and approved under ABP-303799-19, and the information on file in relation to the proposed amendments, which I consider adequate to carry out AA Screening, I consider it reasonable to conclude that the alterations proposed, individually or in combination with other plans or projects, would not be likely to have a significant effect on the European sites in view of the sites' conservation objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

5.0 Recommendation

- 5.1. I recommend that the Board decides that the making of the alterations subject of this request do not constitute the making of a material alteration of the terms of the development as granted permission under ABP-303799-19.

DRAFT ORDER

REQUEST received by An Bord Pleanála on the 22nd day of July 2021 from Coreet Limited under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of the Student Accommodation Strategic Housing Development the subject of a permission under An Bord Pleanála reference number ABP-303799-19.

WHEREAS the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 10th day of June 2019,

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

AND WHEREAS the proposed alteration is described as follows:

- Replacement of four number Type 1 three-bed semi-detached houses with three number Type 2 3-bed terraced houses at numbers 23-26 The Drive to facilitate permitted Electricity Supply Board three pole structure stay wires.
- Replacement of four number Type 2 three-bed terraced houses with three number Type 2 three-bed terraced houses and relocation of two number Type 1 three-bed semi-detached houses at numbers 27-32 The Drive.
- Replacement of seven number Type 2 three-bed terraced houses with three number Type 2 three-bed terraced houses and two number Type 1 three-bed semi-detached houses at numbers 53-59 The Drive to facilitate the erection of one electrical pylon.
- Relocation of permitted apartment Blocks E, F, G and H to facilitate 38 Kilovolt power lines reroute and three pole structure stay wires.
- The requested alterations involve the removal of a total of four number permitted houses.

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 alterations 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 alterations 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-303799-19 for this site, which includes 250 no. dwelling units (94 no. houses, 156 no. duplex/apartments), creche and associated site works,
- (ii) the examination of the environmental impact, including in relation to Natura 2000 sites, carried out in the course of that application,
- (iii) the limited nature and scale of the alterations,
- (iv) the absence of any significant new or additional environmental concerns (including in relation to Natura 2000 sites) arising as a result of the proposed alterations, and
- (v) the report of the Board's inspector, which is adopted,

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.

Sarah Moran
Senior Planning Inspector
22nd November 2020