



An
Bord
Pleanála

**S. 146.B of Planning and Development
(Housing) and Residential Tenancies
Act 2016**

Inspector's Report

311852-21

Strategic Housing Development

Alterations to previously permitted development ABP-305538-19.

Location

To the north of Poppintree Industrial Estate, bounded by St Margarets Road to the north, and Balbutcher Lane to the south east, Dublin 11.

Planning Authority

Dublin City Council

Prospective Applicant

Dwyer Nolan Developments Limited

Inspector

F. Fair

Date

13th February 2022

1.0 Introduction

- 1.1. A request has been made by IMG Planning Limited. on behalf of Dwyer Nolan Developments Limited to alter the permission granted for a residential development on lands to the north of Poppintree Industrial Estate, bounded by St Margaret's Road to the north, and Balbutcher Lane to the south east, Dublin 11, under Section 146B of the Planning and Development Act, 2000, as amended.
- 1.2. Permission was granted on the 27th January 2020 under reference ABP-305538-19 for a residential development under the provisions of SHD legislation.
- 1.3. The applicant is making a request to An Bord Pleanála (lodged 01 November 2021) for alterations relating to that development. The alterations in question are set out by the applicant as follows:
 - Proposed reconfigured ground floor plan of Blocks 04 and 05 to accommodate the proposed community centre space and childcare facility as per Condition 4 (a) and Condition 5 of the parent permission 305538-19.
 - 3 no. additional apartments – would increase the number of permitted apartments from 125 to 128.
 - Relocation of bicycle storage in order to afford better access to cycle storage for the residents of Block 01 and 02. It is proposed to relocate some of the permitted 126 bicycle parking spaces into the basement level of Blocks 01 and 02 and position storage rooms adjacent to stair cores for each block.
 - Area of footprint has increased due to increases in wall thickness, to facilitate pre-cast concrete system of construction and the requirement of the fire safety certificate for the use of rockwool insulation. The thickness of the walls has increased from 200mm to 550mm. The net overall area of Blocks 01 and 02 are the same as that submitted for planning permission and there will be an increase of 60 sq. m in the net area of Blocks 03, 04 and 05.
 - Landscaped open space.
 - External fire escape stairs omitted following development of fire safety design. This improves the design for the communal open space.
 - Areas of open ventilation to the basement below are amended to provide 5% free area as required by Building Regulations

- 2 no. platform lifts are included to provide universal access to the podium area.

Open Space	Granted	Proposed
Public open space	1,498 sq. m (20%)	1,445 sq. m (20%)
Communal amenity space	755 sq. m (10%)	744sq. m (10%)

- Elevational changes in order to comply with Condition 3(a).
- Compliance with Condition 6(a) for additional balconies requires the inclusion of steel columns on the south and east facing elevations.
- Changes to the position of lift shafts and smoke ventilation shafts are reflected on the proposed elevations. Alterations to smoke shaft locations are driven by design development of fire safety strategy.
- Alterations to apartment entrance lobbies. Further to the Fire Safety Certificate, the lobby areas are now reduced to a minimum, in order to comply with Fire Safety standards and the requirement of Dublin City Council. These changes to the lobby design are reflected in changes to the elevational treatment of the entrances to all blocks.
- Fenestration changes throughout each block.
- Car Parking.
 - Car parking has been reduced from 85 no. spaces to 81 no. spaces
 - Accessible spaces in the basement are increased from 4 to 5 no. based on one no. space per block.
 - Condition 3(c) requires omission of 6 no. surface car parking spaces to facilitate greater connection between open space for proposed development and adjacent development.
 - Condition 5 requires dedicated set-down parking to the childcare facility, including an additional 3 no. surface parking spaces.

Car Parking	Granted	Proposed
Basement		
Apartments	85	81
Accessible	4	5
Total	89	86

Ground		
Communal (EV)	13*	14
Retail Set-down	2	2
Loading Bay	1	1
Creche Set-down		3
Total	16	20
Total	105	106

*Planning application as lodged included 19 no. surface car parking spaces.
Condition 3(c) omits 6 no. surface car parking spaces.

- Bicycle Parking. As a consequence of the proposed alterations to the basement ground floor and landscaped open space, there are alterations to the bicycle parking provisions for the development as follows:

Bicycle Parking	Granted	Proposed
Basement	96	154
Ground Floor Internal / Residents	126	78
Ground Floor External / Visitor	66	60
Total	288	292

The resulting provision at 2 spaces per apartment (based on 128 no. apartments) is in excess of the Development Plan standard of 1 space per unit.

1.4. The application is accompanied by the following documents:

- A Planning Report
- Permitted and Proposed Architectural Drawings
- Landscape Masterplan

2.0 Planning History

2.1. ABP 305538-19: Permission was granted on the 27th January 2020, for a Strategic Housing Development consisting of 129 no. apartments and associated site works.

2.2. ABP granted permission subject to 28 Conditions. As a consequence of compliance with conditions 4(a) and Condition 5, the total number of apartments within the development would be reduced from 129 to 125.

C3. The proposed development shall be amended as follows:

(a) The proposed Portland stone finish to Block 03 shall be replaced with a brick finish.

(b) The proposed precast concrete / techrete balcony finishes shall be replaced with glazing.

(c) Greater connectivity shall be created between the proposed development and the adjoining development to the south by the extension of the raised pedestrian connection between Cells 16 and 17 as indicated on Landscape Masterplan drawing number 1753_PL_P_01 revision A. The connection shall be extended by the omission of one carpark space to the south-west of the proposed raised connection and five car parking spaces to the north-east, and the area allocated, including the associated roadway, to the extension of the pedestrian connection.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of visual amenity of the area and the proper planning and sustainable development of the area.

C4. (a) Apartment types 1B-a and 1B-d and the associated communal corridor located on the ground floor of Block 05 shall be omitted and the resultant floor areas amalgamated to provide a community centre space / element of social infrastructure.

(b) This space shall be provided and permanently maintained within the scheme prior to the occupation of any residential units on site.

(c) The uses of the space shall be restricted to Class 8 use and Class 10 use as set out in Part 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended.

(d) Prior to the first occupation of the community space a Special Purpose Vehicle, which could take the form of a corporate, charitable or not-for-profit organisation that would hold the freehold/long leasehold interest in the community space to ensure that its purpose is to provide for the greater benefit of the community, shall be established.

(e) Prior to the first occupation of the community space details of the opening hours of the space shall be agreed.

Full details relating to the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to the first occupation of any residential units on the site. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: To provide an adequate standard of residential amenity for future residents of the scheme.

C5. The proposed development shall be amended by omitting the two apartment types 2B-g on the ground floor of Blocks 04 and 05, and the resultant floor areas amalgamated to provide for a childcare facility. Direct access shall be provided from the facility to the adjacent public open space. The childcare facility shall be provided and retained as part of the development with access provided to both residents of the development and the wider community. Full details, including details of drop-off/pick up car parking spaces for the childcare facility, shall be submitted to the planning authority for the written agreement prior to the commencement of development.

Reason: To provide an adequate standard of residential amenity for future residents of the scheme and to comply with development standards 16.10.4 'Making Sustainable Neighbourhoods'.

C6. The proposed development shall be amended as follows:

(a) All apartment types 2B-g in the proposed development shall have a balcony / terrace (circa six square metres) provided off the bedrooms where this is not already provided, in addition to the primary terrace off the living / dining area.

(b) The internal layout of the apartments of apartment Type 2B-a shall be amended to provide for a minimum width of 2.8 metres in all bedrooms. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In order to provide for an adequate standard of residential amenity for the future occupants of the scheme.

C15. Details of the segregation of the communal and public open spaces, including robust and secure boundary treatments and soft and hard landscaping features shall be submitted for the written agreement of the planning authority prior to the commencement of development on site.

Reason: In the interest of residential amenity.

C16. (c) Play equipment for children / young people and a piece of public art shall be provided for in the development, the developer shall be responsible for maintenance and management of the public open spaces. The public open spaces will operate as public park / public realm in perpetuity, with public access and use operated strictly in accordance with the management regime, rules and regulations including any byelaws of the planning authority at all times. Details shall be submitted to the planning authority for written agreement prior to the commencement of development on site.

Reason: In the interests of conservation, residential and visual amenity.

3.0 Legislation

S146B(1) Subject to *subsections (2) to (8) and section 146C*, the Board may, on the request of any person who is carrying out or intending to carry out a strategic infrastructure development, alter the terms of the development the subject of a planning permission, approval or other consent granted under this Act.

(2) (a) 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.

(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.

Alteration not a material alteration - Section 146B(3)(a) states that ‘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’.

Section 146B(3)(b) If the Board decides that the making of the alteration would constitute the making of such a material alteration, it shall—

(i) by notice in writing served on the requester, require the requester to submit to the Board the information specified in Schedule 7A to the Planning and Development Regulations 2001 in respect of that alteration, or in respect of the alternative alteration being considered by it under subparagraph (ii)(II), unless the requester has already provided such information, or an environmental impact assessment report on such alteration or alternative alteration, as the case may be, to the Board, and

(ii) following the receipt of such information or report, as the case may be, determine whether to—

(I) make the alteration,

(II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change

to the terms of the development than that which would be represented by the latter alteration), or

(III) refuse to make the alteration.

(4) Before making a F466[determination under *subsection (3)(b)(ii)*], the Board shall determine whether the extent and character of—

(a) the alteration requested under *subsection (1)*, and

(b) any alternative alteration it is considering under F467[*subsection (3)(b)(ii)(II)*]

are such that the alteration, were it to be made, would be likely to have significant effects on the environment (and, for this purpose, the Board shall have reached a final decision as to what is the extent and character of any alternative alteration the making of which it is so considering).

(5) If the Board determines that the making of either kind of alteration referred to in F469[in *subsection (3)(b)(ii)*]—

(a) is not likely to have significant effects on the environment, it shall proceed to make a determination under F470[*subsection (3)(b)(ii)*], or

(b) is likely to have such effects, the provisions of *section 146C* shall apply.

(8) (a) Before making a determination under F474[a determination under *subsection (3)(b)(ii)*] or (4), the Board shall—

(i) make, or require the person who made the request concerned under *subsection (1)* to make, such information relating to that request available for inspection for such period,

(ii) notify, or require that person to notify, such person, such class of person or the public (as the Board considers appropriate) that the information is so available, and

(iii) invite, or require that person to invite, submissions or observations (from any foregoing person or, as appropriate, members of the public) to be made to it in relation to that request within such period,

as the Board determines and, in the case of a requirement under any of the preceding subparagraphs, specifies in the requirement; such a requirement may specify the means by which the thing to which it relates is to be done.

Section 146(C)

146C.— (1) This section applies to a case where the determination of the Board under section 146B(4) is that the making of either kind of alteration referred to in F477[section 146B(3)(b)(ii)] is likely to have significant effects on the environment.

4.0 Proposed Alterations

Overview

- 4.1. The applicant in their submission has elaborated on the proposed alterations to permitted development ABP 305538-19, as set out in detail in Section 1.3 above. The amendments sought arise, it is stated, from the review and rationalisation of the permitted scheme prior to commencement of construction of the subject units, having regard to conditions (namely Conditions, 3, 4, 5, 6, 15 and 16) attached to the permission and to comply with Fire Safety standards and the requirements of Dublin City Council. The proposed amendments alter the permitted floor plans of the ground floor plan of Blocks 04 and 05, as described in detail in Section 1.3 of this report above.
- 4.2. The alterations, both individually and in combination, do not materially change the overall composition of the development that has been granted planning permission. The overall heights of the built form are the same and the composition of the site layout is substantially the same.
- 4.3. The requirements for a community facility and childcare facility are provided within the development in accordance with the conditions attached in a manner that provides enhanced access to users and responds to subsequent detailed design development.
- 4.4. It is submitted that amendments to the floor plans were substantially dictated by fire safety requirements and the parallel requirements to maintain minimum internal space standards but have a minimal effect on the relationship of the proposed

development with the adjoining existing buildings and the internal landscaped open space within the development.

- 4.5. It is contended that the proposed development as altered will provide an appropriate form of high-quality residential development on this site. The amended proposed development complies with the relevant national, regional and local planning policy framework and will provide for an effective and efficient use of this brownfield site which is highly accessible and well served by public transport.
- 4.6. While the changes proposed increase the number of apartments from that permitted by 3, it is noted that the number of apartments were reduced, by 4 no. apartments, by way of Conditions 4 and 5 of the parent permission (ABP-305538-19) in the first instance. The community centre space (required by permission 113 sq. m and proposed 117 sq. m) and the creche (permitted by condition 177 sq. m and proposed 175 sq. m) are relocated into Block 04 and Block 05 has been amended to omit the large entrance lobby, lift and stairwell area. Block 5 now comprises 5 number apartments. The proposed changes do not result in any changes to the layout as originally proposed and permitted, regard being had to the increase in thickness of walls to comply with Fire Safety standards.
- 4.7. The proposed development was not subject to Environmental Impact Assessment or Appropriate Assessment. Accordingly, it is concluded that EIA is not required for the proposed amendments.

5.0 Assessment

- 5.1. Permission was granted on the 01 November 2020, for a Strategic Housing Development (ABP Ref. 305538-19) consisting of a 300 sq. m coffee shop and 129 no. apartments and all associated landscaping and site development works.
- 5.2. ABP granted permission subject to 28 Conditions.
- 5.3. As set out above, in section 2.2, Conditions 3, 4, 5, 6, 15 and 16, made amendments to the proposal, essentially, omitting 4 number apartments, inclusion of a 113 sq. m community centre space and a 177 sq. m childcare facility, replacing Portland stone finish with brick, balcony finishes from precast / techrete to glazing, greater

connectivity through the site which resulted in a loss of 6 car parking spaces, the amendments proposed have cognisance to the conditions attached.

5.4. The proposed development seeks to amend previously permitted development and relates to amendments to:

- The basement – relocation of bicycle storage to afford better accessibility to Blocks 01 and 02, overall it results in an increase in overall bicycle parking provision by 4 spaces from 288 to 292. The car parking has also been amended by way of Condition 3(c) and Condition 5, overall the proposed amendments results in an increase of one space from 105 to 106.
- As a consequence, to compliance with Conditions 4(a) and 5, the total number of apartments within the development would be reduced from 129 to 125. The amendment now proposed is for omission of a large entrance lobby, stairwell and lift area in Block 05 and the relocation of the childcare facility and community centre space to Block 04, in order to include 3 additional apartments in Block 05. 2 no. one bed units (51.4 sq. m and 52.6 sq. m) and 1 no. 85 sq. m two-bedroom unit that are fully compliant with the standards in the Sustainable Urban Housing: Design Standards for New Apartment Guidelines 2020.
- Area of building footprint. As set out above and justified the minimal increase in wall thickness has resulted in an increase in net floor area of Blocks 03, 04 and 05. Notwithstanding the minimum setback distance from the existing buildings along Hampton Wood Drive remains at 26 meters.
- Landscaped open space, compliance with conditions 3(c), 15 and 16(c) and again fire safety requirements and placement of vents have resulted in a reduction in POS from 1,498 sq. m to 1,445 sq. m and a reduction in communal amenity space from 755sq.m to 744 sq. m.
- External materials and finishes to balconies and facades are proposed as a consequence of conditions 3(a) and 3(b).
- Balconies. Additional balconies are proposed in accordance with condition 6(a)

- Roof Level. Changes to lift shafts and smoke vents are as a result of the fire safety strategy.
- Fenestration – general revisions to the fenestration throughout each block.

- 5.5. I note the City Councils response to the applicant with regard to compliance with conditions. While the elevational changes and balconies were considered to comply with conditions 3(a), 3(b) and condition 6 and landscaped open space was deemed to comply with Condition 3(c) Condition 15 and Condition 16 (c) it was considered that the reconfigured ground floor plan for Blocks 04 and 05 did not comply with Conditions 4 and 5. As the community centre and the childcare facility would not be in the location referred to by the condition.
- 5.6. It is my opinion, having carried out the initial report and assessment of the parent permission 305538-19 that the intent of Conditions 4 and 5 was to include a community centre space and a childcare facility and a reduction in the number of apartments was a consequence of this requirement. I note the applicant's submission that Fire Safety necessitates alterations to the ground floor. The Fire Regulations stipulate that areas for entrance lobbies must be reduced to the minimum required for circulation. The applicant has thus amended the large fire escape staircase in the southern end of Block 05 as this was not required. It is submitted that as a result of the changes there is leftover floor space in Block 05 that has no defined planning class of use.
- 5.7. I note that 129 apartments were initially proposed, 125 apartments were permitted, under 305538-19 and now 128 are proposed by way of amendment. This I consider is not the same as an uplift on what was originally sought and as the overall quantum of floor space would not differ substantially from what was proposed and permitted it would not constitute a material alteration.
- 5.8. There is no material impact to the wider development and the development as now proposed remains consistent with the policies and objectives of the NPF and RSES to deliver sustainable residential development.
- 5.9. I consider that the amendments, as set out above, are not considered material. There is no material impact to the wider development. While the no. of apartments will increase by 3 from that permitted it is less than what was originally proposed in the parent scheme. The amendments proposed minimally affect the external

appearance of the buildings, in the main to comply with conditions attached to the parent permission, they will enhance the overall development. Furthermore, I am of the opinion that the Board would not have considered the relevant planning issues differently to a material extent or considered that any other planning issues would arise had the development, as now proposed, formed part of the original planning application.

- 5.10. I am of the opinion that the Board can determine under Section 146B(3)(a) that the making of the alteration would not constitute the making of a material alteration of the terms of the development concerned and, in that, 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.
- 5.11. I have considered the provisions of Section 146B(2)(b) which provides for, at the Board's discretion, the inviting of submissions from persons, including the public. Having considered the nature, scale and extent of the alterations and the nature, scale and extent of the development granted under ABP-305538-19, I am of the opinion that the inviting of submissions from the public in this instance is not necessary and is not required for the purposes of the Board determining the matter.
- 5.12. Environmental Impact Assessment: A subthreshold EIAR was submitted with the original application 305538-19. As I outlined above, I consider that the proposed 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.
- 5.13. Appropriate Assessment: A screening report was submitted with the application under ABP-305538-19 it concluded that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites: Baldoyle Bay SAC 000199, Malahide Estuary SAC 000205, North Dublin Bay SAC 000206, Rockabill to Dalkey SAC 003000, Rogerstown Estuary SAC 000208, South Dublin Bay SAC 000210, South Dublin Bay SAC 000210, Baldoyle Bay SPA 004016, Malahide Estuary SPA 004025, North Bull Island SPA 004006, Rogerstown Estuary SPA 004015 or any European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required

5.14. Having considered the Board's determination on Appropriate Assessment on ABP-35538-19 and section 13.9 of the Inspector's Report on ABP-305538-19, in addition to the minor nature, scale and extent of the alterations relative to the development, and the information on file (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 any European sites, in view of the sites' conservation objectives.

6.0 Recommendation

6.1. 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 to the terms of the development as granted permission under ABP- 305538-19 and that the permitted development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on 01 November 2021.

DRAFT ORDER

REQUEST received by An Bord Pleanála on the 01 November 2021 from IMG Planning Limited on behalf of Dwyer Nolan Ltd. under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of the Strategic Housing Development located to the north of Poppintree Industrial Estate, bounded by St Margaret's Road to the north, and Balbutcher Lane to the south east, Dublin 11, which is the subject of a permission under An Bord Pleanála reference number ABP-305538-19.

WHEREAS the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 27th January 2020.

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:

- Proposed reconfigured ground floor plan of Blocks 04 and 05 to accommodate the proposed community centre space and childcare facility as per Condition 4 (a) and Condition 5 of the parent permission 305538-19.
- 3 no. additional apartments – would increase the number of permitted apartments from 125 to 128.
- Relocation of bicycle storage in order to afford better access to cycle storage for the residents of Block 01 and 02. It is proposed to relocate some of the permitted 126 bicycle parking spaces into the basement level of Blocks 01 and 02 and position storage rooms adjacent to stair cores for each block.
- Area of footprint has increased due to increases in wall thickness, to facilitate pre-cast concrete system of construction and the requirement of the fire safety certificate for the use of rockwool insulation. The thickness of the walls has increased from 200mm to 550mm. The net overall area of Blocks 01 and 02 are the same as that submitted for planning permission and there will be an increase of 60 sq. m in the net area of Blocks 03, 04 and 05.
- Landscaped open space.
 - External fire escape stairs omitted following development of fire safety design.
 - Areas of open ventilation to the basement below are amended to provide 5% free area as required by Building Regulations
 - 2 no. platform lifts are included to provide universal access to the podium area.

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Public open space	1,498 sq. m (20%)	1,445 sq. m (20%)
Communal amenity space	755 sq. m (10%)	744sq. m (10%)

- Elevational changes in order to comply with Condition 3(a) and 3(b).
- Compliance with Condition 6(a) for additional balconies requires the inclusion of steel columns on the south and east facing elevations.
- Changes to the position of lift shafts and smoke ventilation shafts are reflected on the proposed elevations.
- Alterations to apartment entrance lobbies. Further to the Fire Safety Certificate, the lobby areas are now reduced to a minimum, in order to comply with Fire

Safety standards and the requirement of Dublin City Council. These changes to the lobby design are reflected in changes to the elevational treatment of the entrances to all blocks.

- Fenestration changes throughout each block.
- Car Parking.
 - Car parking has been reduced from 85 no. spaces to 81 no. spaces
 - Accessible spaces in the basement are increased from 4 to 5 no. based on one no. space per block.
 - Condition 3(c) requires omission of 6 no. surface car parking spaces to facilitate greater connection between open space for proposed development and adjacent development.
 - Condition 5 requires dedicated se-down parking to childcare facility, resulting in 3 no. additional surface car parking spaces.

Car Parking	Granted	Proposed
Basement		
Apartments	85	81
Accessible	4	5
Total	89	86
Ground		
Communal (EV)	13*	14
Retail Set-down	2	2
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Total	16	20
Total	105	106

*Planning application as lodged included 19 no. surface car parking spaces.
Condition 3(a) omits 6 no. surface car parking spaces.

- Bicycle Parking. As a consequence of the proposed alterations to the basement ground floor and landscaped open space, there are alterations to the bicycle parking provisions for the development as follows:

Bicycle Parking	Granted	Proposed
Basement	96	154
Ground Floor Internal / Residents	126	78
Ground Floor External / Visitor	66	60
Total	288	292

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-305538-19 for this site,
- (ii) 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.

Fiona Fair
Senior Planning Inspector
13.02.2022