



An
Bord
Pleanála

Inspector's Report

ABP-315768-23

Development

Non-Material Amendment to the Adamstown Strategic Development Zone (SDZ) Planning Scheme.

Location

Adamstown, Co. Dublin

Planning Authority

South Dublin County Council

Applicant(s)

South Dublin County Council.

Type of Application

Non-Material Amendment to SDZ Scheme.

Inspector

Lucy Roche

1.0 Introduction

- 1.1. On the 1st of July 2001, the government ordered the designation of 223.5 ha of privately owned land at Adamstown, as a site for the establishment of a Strategic Development Zone (SDZ), for the purpose of delivering residential development and associated infrastructure and facilities.
- 1.2. Subsequently, South Dublin County Council (SDCC), as the designated development agency for the SDZ, prepared a Planning Scheme for the lands in 2002. This Scheme was approved by An Bord Pleanála on appeal, in September 2003.
- 1.3. In 2013, having regard to the challenges presented by the economic crisis and the collapse of the residential market, the Council initiated a statutory process to amend the 2003 Planning Scheme. The new Planning Scheme was approved by An Bord Pleanála, on appeal, in December 2014.
- 1.4. Two non-material amendments, under section 170A of the Act, were made to the 2014 Planning Scheme in 2017 and 2020. These amendments were proposed to the Planning Scheme to take account of updated national policy and guidance. The amendments to the scheme were approved by An Bord Pleanála in September 2017 and October 2020, respectively. For clarity, any reference to the 'Planning Scheme' in the assessment hereunder refers to the 2014 Planning Scheme as amended in 2017 and 2020.
- 1.5. Development within the SDZ is progressing and is currently in Phase 5 of the Planning Scheme. To date, approx. 89.38 ha of the developable lands within the SDZ have been developed or are under construction. The area has a community centre, three schools and a number of newly or soon to be, opened parks. All infrastructure requirements for Phase 4 have been satisfied and most of infrastructure required for Phase 5 has either been delivered or is under construction. Phase, 6, 7 and 8 infrastructures are also progressing some with the aid of funding from the Local Infrastructure Housing Activation Fund (LIHAF) and Urban Regeneration Development Fund (URDF).

- 1.6. In terms of housing delivery, the overall number of residential units permitted to date is 6,759 (Q3 2022) of which c.3,656 units have been constructed and a further 976 under are under construction.
- 1.7. South Dublin County Council are proposing amendments to the Planning Scheme to further align with National Government Policy relating to National Strategic Objectives (compact growth) as well as the rationalisation of existing wording to provide clarification and certainty around key deliverables, as currently set out in the scheme.
- 1.8. Under Section 170A sub-section 3(b)(ii) of the Planning and Development Act, 2000 (as amended), South Dublin County Council has now submitted an application to the Board to further amend the approved Planning Scheme.
- 1.9. A report on the proposed amendments along with a separate guide to reading the proposed amendments (appendix 1) was submitted with the application. The submitted documentation also includes:
 - Adamstown Proposed Non-Material Amendment 2023 and accompanying guide to reading proposed amendments (Appendix 1)
 - Adamstown SDZ Planning Scheme (December 2014)
 - Adamstown SDZ Planning Scheme 2014 - Proposed Amendments 1-4 (May 2017)
 - Adamstown SDZ Planning Scheme 2014 - Proposed Amendments in response to New Planning Policy and Guidance (March 2020).
 - Adamstown Development Status Map 2022 Q3.
 - An AA Screening Report,
 - A SEA Screening Report,

2.0 The Proposal

- 2.1. South Dublin County Council (SDCC) seek the following amendments to the Planning Scheme:

- Minor text amendment to Quality Bus Corridors wording to reflect current status of National Transport Authority (NTA) guidance (National Cycle Manual) and Bus Connects.
- Minor text amendment to current Phase 7 phasing requirement for the construction of the leisure centre with swimming pool.
- Minor text amendment/inclusion to wording related to the option to provide residential units on the potential fire station site.
- Minor amendments to provide flexibility related to timing of delivery of phasing requirements.
- Minor amendment to enable transferring of residential units between neighboring development areas to maximise the build out of the planning scheme.
- Minor amendment to the phasing requirement in relation to schools.
- Minor amendment to increase non-residential floor space requirement in Adamstown Castle Development Area
- Other minor amendments including updating references, summaries of policy and guidance, updating of typographical errors and other clarifications.

2.2. Proposed Amendments:

The actual amendments to the Planning Scheme are detailed below:

2.2.1. **Amendment 1**

Section 2.6(ix) of the Planning Scheme makes provision of the reservation of land (0.4ha/1 acre) for a fire station within the SDZ. In accordance with Section 2.6.42 of the Planning Scheme, should the Dublin Fire Brigade and the Planning Authority determine that site is not required for a fire station, the lands in question may be developed for 'courtyard' housing.

It is proposed to amend the text of Section 2.6.42 of the Planning Scheme to allow for the option of providing '**perimeter building**' housing on. The amendment is outlined in bold below.

The proposed amendment to Section 2.6.42 entails the replacement of:

The proposed fire station site will be levelled, grassed, and seeded to form and area of public open space, pending the determination of the need for a fire station in this area and selection of this site for such a facility. This work should comprise part of the development of the adjoining ‘Somerton’ development area and phased accordingly. Should it be determined by Dublin Fire Brigade and the Planning Authority that the site is not required for a fire station it may be developed for ‘courtyard’ housing in accordance with this Planning Scheme.

With:

*The proposed fire station site will be levelled, grassed, and seeded to form and area of public open space, pending the determination of the need for a fire station in this area and selection of this site for such a facility. This work should comprise part of the development of the adjoining ‘Somerton’ development area and phased accordingly. Should it be determined by Dublin Fire Brigade and the Planning Authority that the site is not required for a fire station it may be developed for ‘courtyard’ or **‘perimeter building’** housing in accordance with this Planning Scheme.*

2.2.2. **Amendment 2**

This amendment relates to school provision within the SDZ and would see the inclusion of the option to provide for a secondary school on School Site no.4 which is currently identified for a primary school. The proposed amendment concerns the wording of phasing set out in Section 4.0 of the Planning Scheme, in particular Phase 7 and Phase 8. The proposed amendments are outlined in Bold below:

It is proposed to amend the wording for Phase 7 and Phase 8 from:

Phase 7: Site made available for primary school No.4 (minimum 16 classrooms)

Phase 8: Opening of primary school on site No.4 with minimum of 16 number classrooms of permanent construction

To:

Phase 7: Site made available for primary / **secondary** school no.4
(minimum 16 classrooms)

Phase 8: Opening of primary / **secondary** school on site No.4 with
minimum of 16 number classrooms of permanent construction

2.2.3. **Amendment 3**

This amendment relates to the provision of community facilities within the SDZ and would allow the option of providing alternative community facilities to the *leisure centre with a swimming pool* specified in the Planning Scheme. The proposed amendment concerns the wording of Phase 7 as set out in Section 4.0 of the Planning Scheme. The proposed amendments are outlined in Bold below:

It is proposed to amend the wording for Phase 7 from:

Phase 7: *Construction of a leisure centre with a swimming pool (not illustrated)*

To:

Phase 7: **Construction of a leisure centre with swimming pool or equivalent community facility and or community gain to be agreed with the development agency (not illustrated).**

2.2.4. **Amendment 4**

This amendment would allow the option of transferring up to 20% of units from one Development Area to another Development Area, where additional capacity for residential units remains. The proposed text inclusion would read as follows:

Subject to the achievement of the Planning Scheme objectives for said areas, the Development Agency may allow the transfer of residential units in a development area to be transferred from one development area to an immediately adjacent development area to contribute to the delivery of high quality, holistic development and the development of remaining undeveloped lands, capped at a maximum of 20% of the maximum total. The cumulative total of residential units constructed in the Development Areas involved in the proposed unit transfer shall not exceed the

cumulative maximum of units for the Development Areas in question. The minimum unit numbers for each Development Area must continue to be achieved.

2.2.5. Amendment 5

This amendment would allow for additional flexibility around Phasing requirements set out in Section 4.3 of the Planning Scheme and would see the introduction of a new section, Section 4.3.11 which reads as follows:

The Development Agency may transfer a phasing requirement in a particular phase of the Planning Scheme to the next immediate phase where it is considered and demonstrated that the transfer has no detrimental impact on current or future residents' amenity.

If a particular phasing requirement is transferred from one phase to the next, then the same requirement cannot be further transferred to another subsequent later phase, save for exceptional unforeseen circumstances (where agreed by the Development Agency).

Any transfer of a phasing requirement shall satisfy the following criteria:

- a) The phasing requirement in question shall not in itself be required for the increased population from residential unit occupations in the specific phase.*
- b) A clear rational and justification for the delay in the delivery of the phasing requirement is provided including timelines of actions to date, written input from relevant stakeholders and a programme outlining future delivery, where feasible. The Development Agency will generally not consider the transfer of a phasing requirement in the absence of a robust and feasible delivery programme, where necessary and appropriate.*
- c) A clear demonstration of the impact of transferring / not transferring the phasing requirement on the delivery of residential units.*
- d) The cumulative impact of the proposed transfer of phasing and any previously approved transfers will have no significant detrimental impact on residential amenity or overall social infrastructure provision in the SDZ and will not adversely impact on the sequential build out of development*

areas or the proper planning and sustainable development of the SDZ area.

Development Agency decisions to transfer a phasing requirement to the next phase will be subject to the above and will be published on the Council's website following consideration. No phasing transfer shall be approved for requirements to provide childcare facilities or surface water drainage. The current phasing requirements in Phase 9 and 10 cannot be transferred by virtue of the fact they are the final requirements of the SDZ Planning Scheme and are thus required to be adhered to.

2.2.6. Amendment 6

It is proposed to amend Tables 2.4 and 2.7 of the Planning Scheme (as amended) to allow for the transfer of residential units from Aderrig and Tandy's Lane Development Areas to Adamstown Boulevard and Adamstown Station Development Areas. The Development Areas concerned are highlighted in grey, the new text is highlighted in bold and text to be deleted is shown with a strikethrough in the tables below:

| Table 2.4 | | | | | |
|--|----------------------|-------------------------|--------------------------------------|-------------------------------|----------------------------------|
| Development Permissible by Net Development Area | | | | | |
| | Development area | Total Development (sqm) | | Total Dwelling Units (number) | |
| | | Min | Max | Min | Max |
| 1 | Adamstown Castle | 57,775 | 58,975 | 630 | 640 |
| 2 | Somerton | 54,000 | 64,800 | 450 | 540 |
| 3 | Airlie Stud | 67,425 | 72,600 | 630 | 675 |
| 4 | Tobermaclugg Village | 84,700 | 106,150 | 770 | 965 |
| 5 | Tubber Lane | 73,800 | 94,800 | 615 | 790 |
| 6 | Tandy's Lane Village | 74,800 | 102,850 76,120 | 680 | 935 692 |
| 7 | St. Helen's | 81,400 | 101,750 | 740 | 925 |
| 8 | Aderrig | 97,125 | 130,830 111,195 | 925 | 1,246 1,059 |
| 9 | Adamstown Square | 78,720 | 80,565 | 640 | 865 |
| 10 | Adamstown Boulevard | 49,000 | 90,825 114,450 | 690 | 865 1,090 |
| 11 | Adamstown Station | 49,000 | 97,500 123,900 | 490 | 975 1,180 |

| | | | | | |
|--|----------------------------------|---------|-----------|-------|-------|
| | Subtotal | 791,195 | 1,001,645 | 7,260 | 9,211 |
| | Landmark sites | | 18,400 | | 184 |
| | Employment Use Transfer of Units | | | -250 | |
| | Total | 765,000 | 1,020,045 | 7,010 | 9,395 |

Table 2.7

Min-Max Development Density and residential Yield by Net Development Area

| | Development area | Residential Yield (dwellings per hectare) | Area Character type |
|----|------------------------------|---|---------------------|
| 1 | Adamstown Castle (Total) | 46-47 | Mainly developed |
| | Adamstown Castle (Developed) | 47 | Developed |
| | Adamstown Castle (Remaining) | 13-47 | Medium Density |
| 2 | Somerton | 35 | Developed |
| 3 | Airlie Stud | 47 | Developed |
| 4 | Tobermaclugg Village | 40-50 | Low Density |
| 5 | Tubber Lane | 35-45 | Low Density |
| 6 | Tandy's Lane Village | 40-55 40-41 | Medium Density |
| 7 | St. Helen's | 52-65 | Medium Density |
| 8 | Aderrig | 52-70 52-59 | Medium Density |
| 9 | Adamstown Square (total) | 59-60 | Mainly developed |
| | Adamstown Square (Developed) | 54 | Developed |
| | Adamstown Square (remaining) | 58-75 | High Density |
| 10 | Adamstown Boulevard | 60-75 60-110 | High Density |
| 11 | Adamstown Station | 75-150 75-182 | High Density |
| | Overall | 47-64 | Medium Density |

Amendment 6 also includes proposed amendments to the Development Area Tables set out in Section 3 of the Planning Scheme. The sections to be altered are highlighted in grey, the new text is indicated in **bold** and text to be deleted is shown with a ~~strike through~~ in the tables below:

Aderrig (Development Area 8)

- ~~925-1155 dwelling units~~ to **925-1,059 dwelling units**
- Up to 4,750sqm of non-residential development
- Primary school

| | |
|--|--|
| Area Character Type | Medium Development Density |
| Gross Area | 21.7 ha |
| Net Development Area | 17.8 ha |
| Min-Max Total Residential Development Area | 97,125 – 130,830 97,125 - 111,195 |
| Min-Max Total Dwellings per ha | 52-70 52-59 |
| Min affordable / social dwellings | To be negotiated in accordance with relevant legislation and SDCC Housing Policy to include 1 x Traveller accommodation facility |
| Min Non-Residential Development | |
| Max Non-residential Development | 4% of Total up to 4,750sqm |
| Max Retail Development | 10% of total non-residential up to 475sqm |
| Min-Max Courtyard Building Height | 2-3 storeys with up to 4 storeys at corner / feature buildings; Blocks close to Central Boulevard Park, 3 to 5 storeys |
| Min-Max Perimeter Building Height | 3-5 storeys; blocks beside Central Boulevard Park, 3 + 1 setback – 5+1 setback |
| Max Landmark Building Height | 21m up to 7 storeys |
| Min Public Open Space | 0.78ha |

Tandy's Lane Village (Development Area 6)

- ~~680-935 dwelling Units~~ to **680-692 dwelling Units**
- Up to 6,750sqm of non-residential development
- New local centre
- Primary school site

| | |
|--|--|
| Area Character Type | Medium Development Density |
| Gross Area | 21.7 ha |
| Net Development Area | 17.8 ha |
| Min-Max Total Residential Development Area | 74,800 — 102,850 74,800- 76,120 |
| Min-Max Total Dwellings per ha | 40-55 40-41 |
| Min affordable / social dwellings | To be negotiated in accordance with relevant legislation and SDCC Housing Policy to include 1 x Traveller accommodation facility |
| Min Non-Residential Development | 100no childcare places |

| | |
|-----------------------------------|---|
| | 1,620sqm retail/retail services |
| Max Non-residential Development | 7% of Total up to 6,750sqm |
| Max Retail Development | 33% of total non-residential up to 2,025sqm |
| Min-Max Courtyard Building Height | 2-3 storeys with up to 4 storeys at corner / feature buildings; |
| Min-Max Perimeter Building Height | 3 to 5 storeys |
| Max Landmark Building Height | 21m up to 7 storeys |
| Min Public Open Space | 0.78ha |

Adamstown Boulevard (Development Area 10)

- ~~690-865 dwelling Units~~ to **690- 1,090 dwelling Units**
- Up to 8,750sqm of non-residential development
- New District Centre Periphery

| | |
|--|--|
| Area Character Type | High Development Density |
| Gross Area | 14.6 ha |
| Net Development Area | 11.5 ha |
| Min-Max Total Residential Development Area | 72,450 – 90,825 72,450 – 114,450 |
| Min-Max Total Dwellings per ha | 60-75 60-100 |
| Min affordable / social dwellings | To be negotiated in accordance with relevant legislation and SDCC Housing Policy to include 1 x Traveller accommodation facility |
| Min Non-Residential Development | |
| Max Non-residential Development | 10% of Total up to 8,750sqm |
| Max Retail Development | 10% of total non-residential up to 875sqm |
| Min-Max Courtyard Building Height | 2-4 storeys with up to 5 storeys at corner / feature buildings; |
| Min-Max Perimeter Building Height | 3 storeys + 1 setback – 5 storeys +1 setback |
| Max Landmark Building Height | 30m (up to 10 storeys approx.) |
| Min Public Open Space | 0.5ha |

Adamstown Station (Development Area 11)

- ~~490-585 Dwelling Units~~ to **490-1,180 Dwelling Units**
- Up to 29,250sqm of non-residential development
- New District Centre core
- Railway Station – transport interchange

| | |
|---------------------|-----------------------|
| Area Character Type | High Development Area |
|---------------------|-----------------------|

| | |
|--|--|
| Gross Area | 8.6 ha |
| Net Development Area | 6.5 ha |
| Min-Max Total Residential Development Area | 49,000 – 97,500 49,000 – 123,900 |
| Min-Max Total Dwellings per ha | 75-150 75-182 |
| Min affordable / social dwellings | To be negotiated in accordance with relevant legislation and SDCC Housing Policy |
| Min Non-Residential Development | 200 childcare Places 11,700sqm retail/retail services |
| Max Non-residential Development | 50% of Total up to 29,250sqm |
| Max Retail Development | 50% of total non-residential up to 14,625sqm |
| Min-Max Courtyard Building Height | 2-4 storeys with up to 5 storeys at corner / feature buildings; |
| Min-Max Perimeter Building Height | 3 storeys + setback – 5 storeys + setback |
| Max Landmark Building Height | 30m (up to 10 storeys approx..) |
| Min Public Open Space | 0.3ha |

2.2.7. **Amendment 7**

Amendment 7 relates to updated references (the proposed changes are outlined in **bold**).

It is proposed to replace reference to the South Dublin County Council Development Plan 2016 – 2022 with reference to the **South Dublin County Council Development Plan 2022 – 2028**. It is also proposed to include reference to **NTA National Cycle Manual**

2.2.8. **Amendment 8**

This amendment seeks to allow for an increase in level of non-residential floor space permitted in Adamstown Castle Development Area. The proposed changes relate to the text box for Adamstown Castle (Chapter 3, p.44) and Table 2.5: Maximum Extent of Non-Residential Development. (Chapter 2, P12). The proposed changes are highlighted in bold.

Chapter 3, p.44 (text box stating the minimum and maximums)

From

| | |
|----------------------------------|-------------------|
| Max. Non-residential Development | 5% up to 3,000sqm |
|----------------------------------|-------------------|

To:

| | |
|---|---------------------------|
| Max. Non-residential Development | 10% up to 6,000sqm |
|---|---------------------------|

Chapter 2, Table 2.5, p.12

| Development area | Total Maximum non-residential | | Total Maximum Retail | |
|------------------|-------------------------------|------------------|--|------------------|
| | As a % of total floorspace | Floor Area (sqm) | As a % of total non-residential floorspace | Floor area (sqm) |
| Adamstown Castle | 5% | 3,000 | 5% | 300 |
| | 10% | 6,000 | 10% | 300 |

2.2.9. **Amendment 9**

Amendment 9 seeks to include reference to the National Transport Authority (NTA) National Cycle Manual under Section 2.4 (VI) of the Planning Scheme as it relates to Walking and Cycling.

The proposed text inclusion would read as follows:

Cycling infrastructure should be designed in accordance with the National Transport Authority (NTA) National Cycle Manual, or any subsequent update to said document.

2.2.10. **Amendment 10.**

This amendment relates to Section 2.4 (iv) of the Planning Scheme which relates to Busway/QBC and the new bus connects project. The amendment includes the change of wording within the scheme from 'Busway/QBC' to '**Bus Networks**' and the inclusion of the following text:

'Much of the QBC's have now been provided, however additional transportation services will be provided via Bus Connects and the NTA. As plans for Bus Connects are emerging, the ultimate alignment of bus services will be as shown, or as determined by the NTA through the Bus Connects

project, or otherwise. Where the NTA require alignments or updates to the Planning Scheme regarding busways, the scheme and landowners shall, where practical, and save where streets and QBC's have already been completed, make allowances for such proposals.'

3.0 Statutory Provisions

- 3.1. The process whereby amendments to a planning scheme for an SDZ can be made is set out in Section 170A of the Planning and Development Act, 2000 (as amended). A summary of the statutory provisions is provided below.
- 3.2. 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.
- 3.3. Under subsection (3)(a) where the amendment fails to satisfy each of the criteria referred to in Section 3(b), the Board shall require the planning authority to amend the planning scheme in compliance with the procedure laid down in Section 169. The criteria detailed in sub-section (3)(b) include that the amendment to the planning scheme concerned:
 - (i) would not constitute a change in the overall objectives of the planning scheme,
 - (ii) would not relate to already developed land,
 - (iii) would not significantly increase or decrease the overall floor area or density and
 - (iv) would not adversely affect or diminish the amenity of the area.
- 3.4. 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.
- 3.5. If the proposed amendment would constitute a material change to the planning scheme, then sub-section (4)(b) becomes pivotal. 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.

3.6. 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 or observations shall likewise be notified.

4.0 **Assessment**

The Planning Authority have made this application to amend the Adamstown Planning Scheme under Section 170A sub section (1) of the Planning and Development Act. Under sub-section (2) the question arises as to whether the proposed amendments would make a material change to this Planning Scheme. Having regard to the procedures to be followed as specified in Section 3 above, the first test to be considered is: Would the proposed amendments make a material change to the Planning Scheme?

4.1. **Materiality of changes proposed:**

In this section I proposed to consider the proposed amendments and to make a recommendation on whether they would make a material change to the Planning Scheme (as amended).

4.1.1. **Amendment 1**

Section 2.6(ix) of the Planning Scheme relates to the provision of Health/Emergency/Religious facilities/services within the SDZ and includes for the reservation of land (0.4ha/1 acre) for a fire station. It is a provision of the Planning Scheme (Section 2.6.42) that should it be determined by the Dublin Fire Brigade and the Planning Authority that the site is not required for a fire station, the lands in question may be developed for 'courtyard' housing.

This amendment seeks to alter the text of Section 2.6.42 to include the additional wording of '*or perimeter building*', thus allowing greater flexibility in the nature of the residential development permissible on site.

The site in question is in Development Area 2, Somerton. The Planning Scheme sets out the following parameters for buildings heights in Somerton, as follows:

| | |
|-----------------------------------|---|
| Min-Max Courtyard Building Height | 1-2 storeys with up to 3 storeys at corner / feature buildings. 1 to 2 Where reduced |
| Min-Max Perimeter Building Height | 3-4 storeys with up to 5 storeys at corner / feature buildings. 2-3 with up to 4 where reduced |
| Landmark Building | 15 meters (up to 5 storeys approx.) |

In accordance with the information submitted with the application, including the Adamstown Development Status Map, the site in is undeveloped; it is bounded by perimeter and courtyard housing to the north and by Tandy's Lane Park to the south (now open). School site #3 is to the west and the protected structure of Somerton House to the east.

The proposed amendment would allow for increased building height (+ 2 storeys) on the subject site, with a maximum height of 5 storeys permissible for perimeter

buildings as opposed to the maximum height of 3 storeys permissible for courtyard buildings. It is noted that the current Planning Scheme allows for a landmark building with a height of 15m (up to 5 storeys) on the subject site.

Having regard to the small infill nature of the site, the limited (two storey) height increase, the emerging pattern of development in the area and the current planning scheme which would allow for a landmark building of 15m (up to 5 storeys) on site it is my view that the proposed amendment would not materially alter the Planning Scheme approved by the Board.

4.1.2. **Amendment 2**

This amendment relates to school provision within the SDZ and would allow for the option of providing a secondary school on School Site #4, in the Aderrig Development Area. The site in question is identified in the Planning Scheme as a 'primary school' with a minimum of 16 classrooms. Phasing requires that the school site be made available in Phase 7 and the school be opened in Phase 8.

The Planning Scheme provides for the delivery of five schools (four primary schools and one secondary school), across three development areas. To date within the SDZ, three schools (two primary and one secondary) have been provided and are operational. These schools are all within the Adamstown Castle Development Area. Permission has also been granted for a fourth school in the Tandy Lane Development Area (school site #3). This school is identified in the Planning scheme as a 'primary school' with a minimum of 16 classrooms. The permission is for a 32-classroom primary school, double the required minimum.

SDCC are of the opinion that with the delivery of a 32 classroom on School Site #3, the option to deliver either a primary or secondary school on School Site #4 would provide the Department of Education and Skills (DES) more flexibility in terms of meeting the emerging educational needs of future population of Adamstown and wider South and West Dublin.

The proposed amendment would allow for the delivery of the site for educational purposes with scope to provide either a primary (as currently required) or secondary school depending on the needs of the area. It is my view that the proposed amendment would not materially alter the Planning Scheme approved by the Board.

4.1.3. **Amendment 3**

The 2014 Planning Scheme (as amended) requires, as part of Phase 7, the construction of a leisure centre with swimming pool. No site is identified for this facility.

SDCC note, in their submission with the application, that a swimming pool has recently been developed, under Part 8, in Lucan. They consider that this facility, due to its proximity to the Adamstown SDZ would likely fulfil the demand for a swimming pool in the area and as such they are seeking to alter the text of Phase 7 to include the following additional wording:

*'...construction of a leisure centre with swimming pool **or equivalent community facility or community gain to be approved agreed with the development agency.**'*

The proposed amendment would allow flexibility in the delivery of community facilities within Adamstown SDZ providing for either the delivery of a leisure centre with a pool (as currently required) or an equivalent community facility, subject to consultation with SDCC. It is my view that the proposed amendment would not adversely affect or diminish the amenity of the area and would not constitute a material alteration of the Planning Scheme.

4.1.4. **Amendment 4**

The Planning Scheme (as amended) allows for the construction of 9,395 units (max) within Adamstown SDZ with each of the eleven development areas allocated a minimum and maximum residential unit range. Amendment 4 as proposed would

allow for the transfer of up to 20% of residential units from one development area to an immediately adjacent development area.

In accordance with the details provided by SDCC, the purpose of this amendment is to facilitate the development of undeveloped / infill sites within largely built out development areas, where insufficient capacity (in terms of unbuilt units) remains, and to do so in a holistic, well-integrated and well-designed manner.

The proposed additional text, to be provided under new section 4.4 of the Planning scheme (please refer to Section 2.2.4 of this report), would only permit the transfer of units between adjacent or adjoining development areas. This is to ensure that the character and density of Development Areas are respected and protected. The text also stipulates that the cumulative total of residential units constructed in the Development Areas involved in the proposed unit transfer shall not exceed the cumulative maximum of units for the Development Areas in question and that the minimum unit numbers for each Development Area will continue to be achieved. No change is proposed to the overall minimum and maximum capacity for residential units in the Adamstown SDZ.

Having regard to the information submitted and the limited potential to impact on the Planning Scheme objectives or the character of the overall Adamstown area, it is my view that the proposed transfer of residential units from one development area to another, in the manner proposed, would not materially alter the Planning Scheme approved by the Board.

4.1.5. **Amendment 5**

Adamstown SDZ is planned across 13 Phases which each phase allowing for approximately 800 residential units in tandem with supporting infrastructure. Development is currently in Phase 5. All infrastructure requirements for Phase 4 have now been satisfied and most of infrastructure required for Phase 5 has either been delivered or is under construction. While some of the infrastructure needed for future phases (6, 7 and 8) has already been delivered or is programmed for delivery

in advance of its requirements, there remains a range of infrastructure that is yet to be delivered and which is required for future stages.

In accordance with the information provided, SDCC has been successful in securing approval for funding for a series of infrastructure projects through the Urban Regeneration Development Fund (URDF) and they are working with landowners to bring these projects forward.

The URDF is being managed by the Department of Housing Heritage and Local Government and Department of Public Expenditure and Return as well as by South Dublin County Council. This process requires planning permission to be obtained, tender documents prepared, and a full public procurement process to be followed. There are also a series of administrative steps that need to be followed before the finances can be drawn down. Consequently, it is feared that while projects are being actively progressed and finances available, the timing of the full delivery of the infrastructure may not align with the planned occupation of residential units and the current phasing in the Planning Scheme. The proposed amendment would allow for a degree of timing flexibility to be provided in the planning scheme in these and similar circumstances.

The wording to be inserted into Section 4.3 of the Planning Scheme (set out in full in section 2.2.5 above) would allow SDCC as the Development Agency to transfer a phasing requirement in a particular phase of the Planning Scheme to the next immediate phase where it is considered and demonstrated that the transfer has no detrimental impact on current or future residents' amenity. The same phasing requirement cannot be further transferred to another subsequent later phase, save for exceptional unforeseen circumstances as agreed by the Development Agency.

Having regard to the information submitted it is my view that the proposed amendment, as presented, would allow for a reasonable degree of flexibility in terms of the timing delivery of infrastructure in the Planning Scheme with no detrimental impact on current or future residents' amenity and I am satisfied that the amendment would not materially alter the Planning Scheme approved by the Board.

4.1.6. **Amendment 6**

This amendment allows for the transfer of residential units from Aderrig and Tandy's Lane Development Areas to Adamstown Boulevard and Adamstown Station Development Areas and associated changes to total development and development density ranges as detailed in Section 2.2.6 above.

The Planning Scheme provides minimum and maximum development (in terms of area and unit numbers) and density ranges for each development area. Both the Aderrig and Tandy's Lane Development Areas are identified as medium density character areas with minimum-maximum residential unit ranges of 925-1155 and 680-935 respectively.

In accordance with the details provided by SDCC, the build out for both areas will likely be at the lower end of the allocated unit and density range. The proposed amendment would allow for the transfer of 430 residential units that will not be realised in terms of maximum potential build in Aderrig and Tandy's Lane Development Areas to Adamstown Boulevard and Adamstown Station Development Areas, both of which are identified as high-density character areas. This would enable the provision of additional capacity within Adamstown Boulevard and Adamstown Station Development Areas. There would be no change to the overall maximum total of 9,395 units permitted in the Planning Scheme. The proposed amendment would ensure that the overall density of the Adamstown SDZ is maintained at the mid-higher level of the overall range and is an efficient approach to land use planning in the context of the public transport and amenity provision. It would also ensure that the character of the various development areas is consistent and built out in accordance with the proper planning and sustainable development of the area.

Having regard to the information submitted and the limited potential to impact on the Planning Scheme objectives or the character of the overall Adamstown area, it is my view that the proposed transfer of residential units from Aderrig and Tandy's Lane Development Areas to Adamstown Boulevard and Adamstown Station Development Area would not materially alter the Planning Scheme approved by the Board.

4.1.7. **Amendment 8**

4.1.8. This amendment relates to the provision of non-residential floor space in Development Area 1, Adamstown Castle.

At present the Planning Scheme requires that non-residential floor space in the Adamstown Castle Development Area be limited to 5% of the total floor space permitted in the area, to a maximum of 3,000sqm. This amendment seeks to increase the non-residential floor space in the area from 5% to 10%, or a maximum floor area of 6,000sqm. The proposal as presented, does not include any amendment to the overall quantum of retail permitted in the area which is to remain at a maximum of 300sqm.

In accordance with the information provided by SDCC, non-residential development in the form of a creche, community centre, retail, and retail services, have been constructed and are operational within the area, with only a small allocation of non-residential floor space remaining. The Planning authority state that the proposed increase in non-residential floorspace would allow for the build out of a prominent corner site, adjacent to the Adamstown Station district centre, which currently lies vacant as a non-residential proposal. The site in question is identified on Page 15 of the Planning Authority's submission. They contended that the proposed amendment would facilitate the delivery of additional non-residential uses, with potential for additional civic/community use, on what is a prominent vacant site in the development area and SDZ as a whole, whilst also allowing for the delivery of key social infrastructural phasing requirements.

The proposed amendment concerns an undeveloped site that is located between Adamstown Station district centre and an established school site. Having regard to the limited affect that that the proposed amendment would have on the overall scheme, I am satisfied that this change is minor in nature and would not lead to a material change in the Planning Scheme approved by the Board.

4.1.9. **Amendments 7, 9 and 10**

These amendments comprise changes (deletions and additions) to the wording of the Planning Scheme and include the following: -

- Amendments to the wording and inclusion of additional text relating to bus services and QBC's with the Planning Scheme to take account of the NTA's new Bus Connects project.
- The inclusion of text relating cycling infrastructure and the NTA's National Cycle Manual.
- Updating of other references in the SDZ Planning Scheme.

Amendment 7 relates to updated references to the South Dublin County Development Plan 2022-2028 and the NTA National Cycle Manual. The Planning Authority has stated that the proposed amendments are required for reasons of clarity and to facilitate the production of a new finalised and up to date Planning Scheme.

Amendment 9 seeks to include reference to the National Transport Authority (NTA) - *National Cycle Manual* under Section 2.4 (vi) of the Planning Scheme as it relates 'Walking and Cycling'. The applicant states the purpose of this amendment is to reflect the latest guidance from the NTA.

Amendment 10 relates to bus services within the SDZ and the new Bus Connects project.

It is an objective of the Planning Scheme to increase bus capacity to serve Adamstown at each phase of the development and improve bus journey times between Adamstown / Lucan area and the City Center. The permitted scheme requires the delivery of a section of dedicated QBC Busway in the Adamstown Station Development Area. The proposed amendment would facilitate additional transportation services to be provided via BusConnects and the NTA. In accordance with the details provided by SDCC, there are a number of viable bus routes through Adamstown. The additional text proposed under Section 2.4(iv) of the Planning

Scheme (under the proposed amended heading of 'Bus Networks') would provide for flexibility in the selection of the optimum route alignment. The proposed text, set out in Section 2.2.10 above was agreed in consultation with the NTA.

I am satisfied that Amendments 7, 9 and 10 are minor in nature and would not lead to a material change in the Planning Scheme approved by the Board.

4.2. **Compliance with Section 170A(3)(b) criteria**

Sub-section (3)(a) states that where the amendments of the scheme fail to satisfy the criteria (i) to (v) in sub-section (3)(b), the Board shall require the planning authority to amend the scheme in compliance with section 169. For the avoidance of doubt, I now consider whether the proposed amendments fail to satisfy each of the criteria as stated in sub-section (3)(b)(i) to (v).

4.2.1. **Sub Section (3)(b)(i)**

Sub-section (3)(b)(i) refers to whether the proposed amendments constitute a change in the overall objectives of the Planning Scheme.

Section 2.3 (Overall Design of Development) of the Planning Scheme details the guiding principles of planning and design in which Adamstown is based on and which all planning applicants are subject to comply with. The key themes relate to urban design, land use, housing, transportation, ecology and landscape, conservation, energy efficiency and phase delivery within which core objectives are provided for. These principles support the objectives of the Planning Scheme to promote a deliberate shift away from the traditional suburban housing estate format towards a more sustainable, compact, and integrated urban form of development.

In my opinion the proposed amendments, as outlined in previous sections of this report, would support the objectives of the Planning Scheme and would not constitute a change in the overall objectives.

4.2.2. **Sub-section (3)(b)(ii)**

Sub-section (3)(b)(ii) refers to whether the amendments relate to already developed land.

Adamstown SDZ incorporates a net development area of approximately 155.5ha. To date, 89.38ha of SDZ have been developed or are under construction. There are approximately 66.12ha yet to be developed. Amendments 4 and 6 would allow for the transfer of residential units from one development area to another, facilitating the delivery of as yet undeveloped sites in the SDZ. The amendments relating to the fire station, non-residential floor space in Adamstown Castle and school site #4 are minor text inclusions and do not relate to an area of the planning scheme that has already been developed. The swimming pool and QBC's are not indicated within the scheme and thus do not relate to specific sites within the SDZ and thus the lands cannot be considered to be developed. The flexibility in phasing proposed under Amendment 5, relates to future lands and sites which have not yet come forward and thus are not concerned developed land.

I am satisfied that the proposed amendments only relate to undeveloped lands and not to already developed lands.

4.2.3. **Sub-section (3)(b)(iii) 4.9.1.**

Sub-section (3)(b)(iii) refers to whether the amendments would significantly increase or decrease the overall floor area or density of proposed development.

The Planning Authority states that the proposed amendments would not impact the current overall Minimum-Maximum unit, floor area or density ranges within the Planning Scheme, these would remain as is and unchanged. The proposal would only impact the allocation of ranges within specific development areas allowing for comprehensive fulfillment of the overall delivery objectives of the scheme in terms of unit numbers, floor space and density.

Having regard to the above, I am satisfied that the proposed amendments would not result in a significant increase the number of dwelling units, overall floor area or density of the development.

4.2.4. **Sub-section (3)(b)(iv)**

Sub-section (3)(b)(iv) refers to whether the proposal adversely affects or diminishes the amenity of the area.

The applicant states that the masterplan layout of Adamstown SDZ is based on a traditional town layout incorporating a loose grid of connected through streets, on street car-parking, and buildings close to the back of the footpath, as well as contemporary architecture and good quality urban design. The proposed amendments would not alter this approach and would not compromise the delivery of any planned amenities within the Planning Scheme area. The layout, location and quantum of parks, open spaces, and other social infrastructure to be provided within the SDZ remains unchanged.

Having regard to the above, I consider that the proposed amendment would not adversely affect or diminish the amenities of the area.

4.3. **Conclusion with respect to compliance with sub-section (3)(b)**

I consider that the proposed amendments do satisfy the criteria outlined in sub-section (3)(b). Therefore, I recommend to the Board that the proposed amendments are not of such a nature as to require a more fundamental review procedure to be followed.

4.4. **Overall conclusion with respect to materiality**

Having regard to the above, I conclude that the proposed amendments would not lead to a material change in the Adamstown Planning Scheme and would lead only to changes that would be minor in nature.

4.5. **Section 170A sub-section (4): Are the proposed amendments likely to have significant effects on the environment?**

The tests under sub-section (4) of the Act are whether the proposed amendments would have significant effects on the environment or on a European Site. It is noted that the Adamstown SDZ Planning Scheme was subject to a full SEA and Screening for AA.

4.5.1. **Appropriate Assessment**

An AA screening report on the proposed amendment was submitted to the Board with the application. The report identifies five European Sites, comprising three SAC's and two SPA's, within 15km of the project and a further 3 sites outside of the 15km area, but with a potential hydrological connection to the project. Of the eight European Sites identified, three were determined to be within the zone of influence, namely:

- South Dublin Bay River Tolka Estuary SPA
- North Dublin Bay SAC
- North Bull Island SPA.

The screening report considers the conservation objective for the three identified European sites within the zone of influence and the treats and pressures to each site. It then provides an evaluation of the potential significant effects of the proposed amendments to the planning scheme on the European sites. The assessment concludes that the proposed amendment to the SDZ is not likely, alone or in combination with other plans or projects, to have a significant effect on any European Sites in view of their conservation objectives and on the basis of best scientific evidence.

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.

4.5.2. **Strategic Environmental Assessment**

An SEA screening report on the proposed amendments was submitted to the Board with the application. The report notes that the proposed amendments seek to align more closely with National and Regional Policies and promoting higher density development closer to public transport routes. Other amendments are minor and relates to textual changes.

The principal amendments are positive in relation to the promotion of higher densities close to public transport. The remaining amendments are minor in nature and have not been identified as generating strategic environmental effects. The amendments have been assessed against the criteria set out in the SEA Directive and SI 436 of 2004 (as amended) and it is demonstrated in the report that no significant environmental effects are identified, therefore, a full SEA is not required. 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.

5.0 Conclusion

As outlined above, 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 is not likely to have significant effects on the environment or on a European site. It is, therefore, recommended that the Board approve the proposed amendments under section 170A(4)(a) and notify the Planning Authority of the approval of the amendment in accordance with section 170A(11).

6.0 Recommendation

- 6.1. That, under Section 170A sub-section (4)(a) & (11) of the Planning and Development Act, 2000 (as amended), the Planning Authority be notified of the Board's approval of the making of the 10 no. amendments to the Adamstown Planning Scheme.

7.0 Reasons and Considerations

Having regard to:

- The planning history of the SDZ scheme and to the overall aims and objectives of the approved planning scheme,
- The nature of the proposed amendments
- The report of the inspector

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

Having regard to the overall provisions of Section 170A of the Planning and Development Act, 2000 (as amended) the Board agreed with the inspector's conclusion that the proposed amendments would not be material, given the limited potential to impact on the overall scheme objectives or the character of the overall Adamstown 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Lucy Roche
Planning Inspector

13th March 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

| | | | |
|---|--|----------------------------------|---|
| An Bord Pleanála Case Reference | 315768-23 | | |
| Proposed Development Summary | Amendments to the Adamstown Strategic Development Zone (SDZ) Planning Scheme | | |
| Development Address | Adamstown, Co. Dublin | | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small> | | No | No further action required |
| 2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class? | | | |
| Yes | N/A | Class..... | EIA Mandatory EIAR required |
| No | N/A | | Proceed to Q.3 |
| 3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]? | | | |
| | Threshold | Comment (if relevant) | Conclusion |
| No | N/A | | No EIAR or Preliminary Examination required |
| Yes | Class/Threshold..... | | Proceed to Q.4 |

| | | |
|---|--|----------------------------------|
| 4. Has Schedule 7A information been submitted? | | |
| No | | Preliminary Examination required |
| Yes | | Screening Determination required |

Inspector: _____ **Date:** _____