



An
Bord
Pleanála

Inspector's Report

ABP-317574-23

Development	Proposed amendment No. 9 of the Cherrywood Planning Scheme 2014 (as amended) – Relating to Residential Car Parking Standards (Section 4.2.10 of the Approved Cherrywood Planning Scheme 2014 (as amended)).
Location	Cherrywood, Co. Dublin
Planning Authority	Dun Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	n/a
Applicant(s)	Dun Laoghaire-Rathdown County Council
Type of Application	Amendment of SDZ Planning Scheme
Planning Authority Decision	n/a
Date of Site Inspection	n/a
Inspector	Hugh D. Morrison

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1.0 Introduction

- 1.1. Following a request from Dun Laoghaire-Rathdown County Council, the Government designated lands at Cherrywood as a Strategic Development Zone (SDZ) in 2010. These lands lie largely between the N11, to the north-east, and the M50, to the south-west. They are located some 8 km to the south of Dun Laoghaire town centre, and they extend over an area of c. 360 hectares.
- 1.2. Subsequently, Dun Laoghaire-Rathdown County Council, as the designated development agency for the SDZ, prepared a Planning Scheme for the majority of the lands comprised in the SDZ¹. This Scheme was the subject of an appeal to the Board (ZD06D.ZD2010) and, following an oral hearing, it was modified by means of a Board Order that was issued on 25th April 2014.
- 1.3. The approved Cherrywood Planning Scheme has been the subject of several amendments. Of greatest relevance to the currently proposed amendment was the previously proposed one (ABP-305785-19) for revisions to the residential car parking standards in Section 4.2.10 of this Planning Scheme. The revisions comprised in this amendment were assessed by the Board, which, in approving them on 7th January 2020, concluded that they satisfied the criteria set out in Section 170A(3)(b) of the Planning and Development Act, 2000 (as amended), and they were “minor” in nature under Section 170A(4)(a) of the same Act (hereinafter simply referred to as “the Act”).
- 1.4. The currently proposed amendment revisits these revised residential car parking standards and proposes their further revision. The PA has thus submitted a further application, under Section 170A(1) of the Act, to amend the approved Planning Scheme. This application comprises the following documents:
 - A cover letter dated 31st May 2023,
 - The proposed amendment – tracked changes version,
 - The proposed amendment – final version,
 - Report to inform SEA screening,

¹ Map 1.4 of the Planning Scheme depicts the two sets of boundaries in this respect. Essentially, the pre-existing residential development within the SDZ is excluded from the Planning Scheme.

- Report to inform AA screening,
- Cherrywood SDZ parking advice update (background technical paper) by AECOM dated May 2023,
- Letter of support from the NTA,
- Letter of support from the TII,
- Proposed amendment – current text, i.e., previously revised one, and
- Link to the fully amended Cherrywood SDZ.

2.0 The Process

- 2.1. The process whereby amendments to a planning scheme for an SDZ can be made is set out in Section 170A of the Act. I set out below my understanding of this process.
- 2.2. 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. If such an amendment would fail to satisfy the criteria set out in sub-section 3(b), then it would be a material change of the planning scheme of such an order as to require the planning authority, under sub-section 3(a)², to amend the planning scheme in accordance with the procedures set out in Section 169 for the making of a planning scheme.
- 2.3. If the proposed amendment would lead to changes that would only be minor in nature, then, provided there is no need for SEA or AA, the Board may, under sub-section (4)(a), approve this amendment to the planning scheme.
- 2.4. If the proposed amendment would satisfy the criteria set out in sub-section 3(b) it may still, under sub-section (4)(b), be deemed by the Board to be material, only in a different sense from that described above. In these circumstances, the Board can approve such an amendment, or an alternative amendment of no greater significance, but not before the following requirements have been 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-

² This sub-section was the subject of an amendment under Section 5 of The Courts Act 2016.

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 (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)(a) or (b), 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.

3.0 The Proposal

3.1. The proposed amendment to the Cherrywood Planning Scheme relates to Section 4.2.10, which is entitled “Car Parking Standards”. This amendment comprises additions, deletions, and changes to the wording of this Section. All of these revisions are set out clearly in the proposed amendment document – tracked changes version.

3.2. In outline, these revisions can be summarised as follows:

- Two new introductory paragraphs would be inserted, which refer to the Government’s commitment, under the Climate Act 2021, to reduce greenhouse gas emissions, and recent regional and local plans which promote sustainable travel patterns, i.e., the RSES for the Eastern and Midland Region 2019 – 2031 and the Dun Laoghaire-Rathdown Climate Change Action Plan 2019 – 2024. Particular emphasis is placed upon the NTA’s Greater Dublin Area (GDA) Transport Strategy 2022 – 2042, which advises that “residential parking standards should be set at the lowest provision in areas with high levels of accessibility to sustainable transport

modes”, e.g., Cherrywood, which is accessed by Luas and Bus Connect services.

- Specific Objective PI 21 would be reframed as follows (additions are underlined and deletions are struck through):

It is an objective that car parking within the Planning Scheme be controlled so as to ~~determine~~ influence car use and ownership, and to promote, public and active travel modes, and climate change mitigation measures. For residential development, this objective will be balanced with ensuring adequate car parking facilities are provided ~~to meet~~ having regard to car ownership and usage, ~~needs in order~~ and also the need to avoid any overspill car parking or adverse impacts on built form and the public realm.

- A reference to the use of temporary car parks until public transport improvements occur would be deleted.
- An additional paragraph would be inserted, which addresses how each new development in Cherrywood can contribute to sustainable, active, or public transport modes. To this end, criteria are set out for such development to address.
- A reference to smart parking measures would be inserted, along with an additional paragraph describing what such parking entails.
- An additional paragraph would be inserted citing the need for car parking proposals to provide a high-quality public realm.
- Two new paragraphs would be inserted, which address the repurposing of existing car parks in the future and the potential for repurposing proposed car parks in the future.
- Having regard to the NTA’s GDA Transport Strategy 2022 – 2042 and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines 2022, the following revisions to Table 4.4 are made:

Table 4.4: Maximum residential car parking standards

<i>Town centre</i>	0.9 <u>0.5</u> spaces per unit
<i>Village centre</i>	0.9 <u>0.5</u> spaces per unit
<i>Res 1, 2, 3 & 4</i>	0.9 <u>0.5</u> spaces per 1 bed unit 1.2 <u>0.75</u> spaces per 2 bed unit/house <u>1.0 space per 2 bed house</u> 1.4 <u>1.25</u> spaces per 3 or more bed unit 2.0 <u>1.5</u> spaces per 3 or more bed house
<i>All residential units/houses</i>	Minimum 0.01 <u>0.02</u> car share space per unit

Note 1: Under Table 4.4 a unit refers to an apartment, duplex or triplex and a house refers to a detached, semi-detached or terraced stand-alone dwelling.

Note 2: Car parking spaces for 1 and 2 bed dwelling units, and dwelling units in Town and/or Village Centres shall be unallocated and with a usage charge applying for each space. All other car parking shall be allocated, with no usage charge.

Developers will have sole responsibility for appointing a management company to manage and enforce areas of parking designated for visitor use or for residents in studio 1- and 2-bed units. Plans for car parking management and enforcement must be clearly outlined in full within submitted planning applications to ensure that the surrounding public realm is not affected by nuisance/overspill parking.

Note 3: reduced car parking provision may be considered for studio apartments in the range of 50 – 70% of the rate applied to a 1-bed unit/apartment, where provision is made for car sharing facilities and operators under a strong central management regime for the development; therefore, the lowest parking rate for studio apartments is 0.25 spaces per unit.

- References to Build-To-Rent developments are omitted.
- Two new paragraphs would be inserted, which comment upon Table 4.4 to the effect that the maximum standards set out therein are applicable to all residential applications. Reductions on these standards would require the submission of an evidence-based demonstration of exceptional circumstances with respect to:
 - The level of sustainable infrastructure and/or services proposed,

- The potential travel by active, public or sustainable modes,
- The extent to which proposals complement strategic infrastructure proposals, and
- Implementation of demand management methods and solutions.

Applicants would commit to providing and/or contributing to additional infrastructure provision and/or demand management measures, e.g., regional mobility hubs, strategic active travel/public transport link infrastructure or services, and comprehensive smart parking measures. Furthermore, the onus would be upon applicants to demonstrate certainty of delivery, “and there shall be no additional responsibility or requirement placed upon the NTA, TII or the LA for early delivery of such sustainable infrastructure in order for applicants to avail of reduced parking provision.”

- A reference to exclusion of private car parking in front gardens would be omitted, and the need for well-considered car parking provision from an urban design perspective is emphasised.

4.0 Section 170A(2) – (4): Would the proposed amendment make a material change to the Cherrywood Planning Scheme?

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

Section 170A(3)(b) materiality

4.3. I will initially review this amendment under Section 170A(2) & 3 of the Act. The criteria, which must be satisfied to avoid a finding of sub-section 3(a) materiality, are set out in sub-section 3(b) as follows:

- (i) It would not constitute a change in the overall objectives of the planning scheme,
- (ii) It would not relate to already developed land in the planning scheme,
- (iii) It would not significantly increase or decrease the overall floor area or density of proposed development, and
- (iv) It would not adversely affect or diminish the amenity of the area that is the subject of the proposed amendment.

4.4. In relation to **criterion (i)**, the overall objectives of the Cherrywood SDZ Planning Scheme are set out in Chapter 1 under the headings of “Vision”, “Principles”, “Themes”, and “Purpose”. The proposed amendment relates to Section 4.2.10, which is entitled “Car Parking Standards”. While the overall objectives do not cite car parking explicitly, insofar as car parking overlaps with sustainable transport considerations, the following aspect of the vision and the following two principles are of relevance:

To provide a safe and friendly environment where people can live, work and play within an envelope of sustainable, integrated transport within a primacy of soft modes of transport throughout.

To link the area to its immediate hinterland and adjoining communities by restoring connectivity that has been severed by major roads.

To create an environment that promotes/facilitates internal pedestrian and cycle movement meeting the requirements of Smarter Travel.

4.5. Essentially, the proposed amendment envisages a reduction in car parking standards in conjunction with lower rates of car ownership by future residents. Such lower rates would be facilitated by the provision of other modes of transport, e.g., walking, cycling, and Luas and bus services, and other approaches to car usage, e.g., car sharing and car rental. As such this amendment would be consistent with the above cited aspect of the vision for Cherrywood and the accompanying two principles, and so it would not change the overall objectives of the planning scheme.

- 4.6. In relation to **criterion (ii)**, the proposed amendment would inform the assessment of future planning applications for Cherrywood. As such, it would influence proposals for future development rather than land already developed. It would also address the possible repurposing of existing car parking spaces in the future, where they have become redundant. However, such repurposing would entail essentially change of use rather than new build scenarios within developed lands. These scenarios would not entail substantial development of developed lands and so they would not, therefore, be caught by criterion (ii).
- 4.7. In relation to **criterion (iii)**, the proposed amendment would relate to car parking only, rather than the usable floorspace of buildings for residential or commercial purposes. This amendment would, therefore, not affect such floorspace and associated density of development. Insofar as basement or undercroft car parks could be regarded as non-usable floorspace, this amendment would lead to some reduction in their extent. However, I do not envisage that such reduction would be significant in terms of the overall floorspace and density of development or the possibility of its repurposing in the future for residential or commercial use.
- 4.8. In relation to **criterion (iv)**, the proposed amendment emphasises the importance of good urban design in the provision of car parking spaces and the need to avoid the proliferation of surface level residential car parking. As such, this amendment would not adversely affect or diminish the amenity of the area. Instead, some enhancement would arise.
- 4.9. In the light of the above discussion, the proposed amendment would satisfy these criteria and so this amendment would not constitute the making of a material change to the planning scheme. Accordingly, the need to remake the planning scheme under Section 169 of the Act does not arise.

Section 170A(4)(b) materiality

- 4.10. As indicated above under Paragraph 4.1, the test for materiality is not restricted to the criteria set out in sub-section 3(b) and so it remains to be established whether the proposed amendment would be a material change to the Cherrywood Planning Scheme. While no definition of materiality is provided by current planning legislation, some assistance towards a working definition is provided from the following two planning sources:

- Under development management, a material change of use is typically defined as being one that is of a substantial nature, which would have an impact upon neighbours or the local community, and
- For the purpose of declarations upon referrals, the legal case of *Monaghan -v- Brogan* established that the test for materiality pertains to whether the change of use in question would raise material planning considerations if the change of use were to be the subject of a planning application.

I, therefore, consider that, with respect to the proposed amendment, an assessment for materiality should concern itself with whether this amendment would raise material planning considerations that are significantly different from those that were raised by the original Cherrywood Planning Scheme.

4.11. The Cherrywood Planning Scheme has previously been the subject of several amendments, one (ABP-305785-19) of which related to Section 4.2.10, too. Under this amendment car parking standards were revised downwards. For ease of reference the table³ below shows the original car parking standards, the current ones that were introduced under the said amendment, and those which are now proposed.

Development type	Original 2014	Current 2019	Proposed 2023
Town centre	1 space per unit	0.9 spaces per unit	0.5 spaces per unit
Village centre	1 space per unit	0.9 spaces per unit	0.5 spaces per unit
Res 1, 2, 3 & 4	1 space per 1-bed unit	0.9 spaces per 1-bed unit	0.5 spaces per 1-bed unit

³ This table is drawn from Table 9.2 in the PA's document entitled "Cherrywood SDZ Parking Advice Update" dated May 2023.

	1.25/1.5 spaces per 2-bed unit 1.25/1.5 spaces per 2-bed unit 1.5/2.0 spaces per 3 or more bed unit	1.2 spaces per 2-bed unit 1.2 spaces per 2-bed house 1.4 spaces per 3 or more bed unit 2.0 spaces per 3 of more bed house	0.75 spaces per 2-bed unit 1.0 space per 2-bed house 1.25 spaces per 3 or more bed unit 1.5 spaces per 3 or more bed house
Studio units		50 – 70% reduction in 1-bed unit rate	50 – 70% reduction in 1-bed unit rate Maximum rate of 0.25 spaces per studio with further flexibility up to 70% reduction (0.15 spaces per studio)
Shared car spaces		Minimum of 0.01 spaces per unit	Minimum of 0.02 spaces per unit

- 4.12. A comparison of the original and current parking standards indicates that the revisions downwards were marginal in their extent, and so the Board considered these to be changes that are “of a minor nature” under Section 170A(4)(a) of the Act.
- 4.13. A comparison of the current car parking standards with the proposed ones indicates that the revisions downwards would be more extensive than those previously approved. Cumulatively, they would entail as much as a halving of some standards that were considered to be appropriate 10 years ago.

- 4.14. The PA has submitted a technical document entitled “Cherrywood SDZ Planning Advice Update” (May 2023) (hereafter referred to as “technical document”). This technical document sets out the factors that have influenced it in proposing the latest amendment to Section 4.2.10 of the Planning Scheme. These factors are summarised in Table 9.1 along with a weighting score to aid overall assessment of them. I will comment on the more significant aspects of them below.
- 4.15. The PA identifies **national policy documents** of relevance to the inter-related questions of transport, car ownership and usage, and the availability of car parking spaces. Generally, these documents favour a move away from reliance upon the private car as a means of transportation, in the interests of reducing both fossil fuel consumption and the generation of greenhouse gases.
- 4.16. The PA cites the NTA’s **Greater Dublin Area (GDA) Transport Strategy 2022 – 2042**. Under Section 14.12.1 of this Strategy, the following advice is given:

The manner in which car parking is considered, in conjunction with other planning policies, can have a critical influence on:

- *Car ownership / car usage;*
- *Mode choice, for a range of journey purposes;*
- *Residential development densities in cities and towns;*
- *Development layouts which achieve permeability for walking and cycling, enabling non-car accessibility at the local level;*
- *Car-based congestion; and*
- *The achievement of higher levels of public transport service provision.*

Given the critical influence which the provision of parking can have on the above and more generally on the management of transport demand, it is recommended that parking standards are expressed as maximum values, to which degrees of constraint can then be applied by planning authorities, in the process of determining the most appropriate level of parking provision.

Under Figure 14.1, the Strategy crystallises on the above advice by citing a maximum car parking standard of “0 - 1.5 spaces per unit” in locations between the M50 and the Canals and “up to 1.5 spaces per unit” in locations between the Metropolitan Boundary and the M50. Whether Cherrywood SDZ is considered to be

in one or other of these locations, the maximum car parking standard per unit is 1.5 spaces.

- 4.17. The PA's own **Dun Laoghaire-Rathdown County Development (CDP) Plan 2022 – 2028** categorises Cherrywood SDZ as being within Zone 2 for the purposes of car parking standards. Under this Zone, 1 and 2-bed dwellings (either apartments or houses) are served by a maximum of 1 space, and 3 or more bed dwellings (either apartments or houses) are served by a maximum of 2 spaces.
- 4.18. Under the proposed amendment, the range of car parking standards would come within that specified in the GDA Transport Strategy 2022 – 2042, and this amendment would be less than the standards cited in the Dun Laoghaire-Rathdown CDP 2022 – 2028, except for 2-bed houses, where it would coincide.
- 4.19. The PA's technical document reviews the car parking standards in the **CDPs of the other Dublin Planning Authorities**. These, too, come within the maximum of 1.5 spaces for dwellings in locations well-served by public transport. A summary of this review is set out in Table 3.8.
- 4.20. The PA reviews **14 no. residential applications** for sites within its area, which both the Board and the PA made decisions upon. Figure 3.14 depicts the divergence between the ensuing decisions with respect to the levels of car parking approved. Thus, the Board consistently approved lower levels, e.g., for 1-bed units, 0.54 spaces compared to 0.85 spaces. By way of commentary, the PA indicates that whereas it tended to abide by the car parking standards set out in its previous CDP for 2016 – 2022, the Board gave weight to factors that would justify reductions in these standards. Under the current CDP, the PA has sought to encapsulate these factors in the following "Assessment criteria for deviation from car parking standards".
- *Proximity to public transport services and level of service and interchange available.*
 - *Walking and cycling accessibility/permeability and any improvement to same.*
 - *The need to safeguard investment in sustainable transport and encourage a modal shift.*
 - *Availability of car sharing and bike / e-bike sharing facilities.*
 - *Existing availability of parking and its potential for dual use.*

- *Particular nature, scale and characteristics of the proposed development (as noted above deviations may be more appropriate for smaller infill proposals).*
- *The range of services available within the area.*
- *Impact on traffic safety and the amenities of the area.*
- *Capacity of the surrounding road network.*
- *Urban design, regeneration and civic benefits including street vibrancy.*
- *Robustness of Mobility Management Plan to support the development.*
- *The availability of on street parking controls in the immediate vicinity.*
- *Any specific sustainability measures being implemented including but not limited to:*
 - *The provision of bespoke public transport services.*
 - *The provision of bespoke mobility interventions.*

4.21. Insofar as the proposed amendment would entail car parking standards that are less than those in the current CDP, the PA has presumably taken the view that some of the aforementioned criteria are invariably applicable to residential development in the Cherrywood SDZ.

4.22. When the PA prepared its technical document the detailed results of the 2022 Census were not available. Accordingly, the latest information on **car ownership** was drawn from the 2016 Census. For the purpose of comparison, previous Censuses from 2006 and 2011 were consulted. Figure 6.4 depicts the trends in car ownership for Dun Laoghaire-Rathdown and Dublin across the three Censuses, and for Cherrywood across the ones for 2011 and 2016. Car ownership levels in Cherrywood are similar to those in Dun Laoghaire-Rathdown, as distinct from Dublin. Expressed as an average per adult they rose from 0.63 to 0.67 cars between 2011 and 2016 and expressed as an average per household they declined slightly from 1.35 to 1.32 cars over the same period. The former rise ran contrary to the wider trend in Dun Laoghaire-Rathdown, while the latter decline paralleled the trend in the County.

4.23. The applicant's technical document discusses the effects of **Covid and the cost-of-living crisis**. It concludes that uncertainty exists as to whether changes on foot of Covid to car ownership patterns will be permanent, and the view is expressed that higher fuel prices will lead to less car usage rather than a reduction in car ownership.

4.24. In the light of the above factors, I consider that the proposed amendment would give expression to the ambition of national, regional, and, to some extent, local planning policy advice. However, whether, against the backdrop of car ownership patterns in Cherrywood, it can be fully justified, remains an open question. In this respect, the radical nature of its outworking is depicted in Figure 9.1 of the PA's technical document. This Figure explores the total number of car parking spaces that would arise when the existing and proposed car parking standards are applied to both minimum and maximum density scenarios for overall residential development in Cherrywood SDZ. Thus,

- Under minimum density, 7577 spaces would be required under existing standards and 5209 spaces would be required under the proposed standards, i.e., a reduction of 2368 spaces or 31.25%, and
- Under maximum density, 10,818 spaces would be required under existing standards and 7375 spaces would be required under the proposed standards, i.e., a reduction of 3443 spaces or 31.83%.

Accordingly, a reduction of almost a third of the total number of car parking spaces would ensue under the proposed amendment.

4.25. The PA's technical document is accompanied by letters of support for the proposed amendment, which the PA received from the NTA and TII. The NTA explicitly supports the revisions to car parking standards and the TII welcomes the anticipated reduction in car usage implicit in these revisions, which would ease pressure on the M50 and the N11 junctions that serve Cherrywood.

4.26. Under the proposed amendment, Cherrywood SDZ would swing strongly in the direction of being an intentionally less car dependent settlement than heretofore, against the backdrop of similar car ownership levels to those that pertain more widely in Dun Laoghaire-Rathdown. I conclude that both this swing and its underlying radical reduction in car parking provision are such that the proposed amendment would be a material change to the Planning Scheme. Accordingly, the proposed amendment would prompt the need for a public consultation exercise, under Section 170A(7) of the Act.

5.0 The Sustainable Residential and Compact Settlements Guidelines

- 5.1. The PA identifies a consultation paper entitled “Sustainable and Compact Settlements Guidelines”, which was published in March 2023. Since then, these Guidelines have been published in their final form under the title “Sustainable Residential and Compact Settlements”. Under Table 3.1, they categorise areas and density ranges in Dublin City and suburbs. One such area is the “City – Urban Neighbourhood” an example of which is described as “lands around existing or planned high-capacity public transport nodes or interchanges”. Under Table 3.8, “high-capacity public transport nodes or interchanges” are, for example, Luas stops or Bus Connects “Core Bus Corridor” stops. Lands within 1km of the former and 0.5km of the latter are a “City – Urban Neighbourhood”. Figures 3.5 and 3.6 of the PA’s technical document illustrate such lands in relation to the 4 no. Luas stops within the Cherrywood SDZ and 4 no. Bus Connects bus stops on the adjacent N11. The entire SDZ lies within the former lands and some of the eastern and northern portions of the SDZ lie within the latter lands. I, therefore, conclude that Cherrywood SDZ is an urban neighbourhood.
- 5.2. Under Section 5.3.4 of the aforementioned Guidelines, car parking is addressed. This Section includes SPPR 3, which states that in urban neighbourhoods, “car parking should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.” (This maximum rate includes provision for visitor parking, but it excludes “bays assigned for use by a car club, designated short stay on–street Electric Vehicle (EV) charging stations or accessible parking spaces”). As this maximum standard is presented within a SPPR, it is mandatory.
- 5.3. Under the proposed amendment, which was prepared before the final version of the Guidelines, the maximum of 1 no. space per dwelling would be exceeded in the cases of 3 or more bed units and 3 or more bed houses, where, variously, 1.25 and 1.5 no. spaces are envisaged per dwelling.
- 5.4. Under Table 9.4 of the PA’s technical document, the total number of dwellings that could be built in Cherrywood SDZ is presented, ranging between minimum and maximum density scenarios, i.e., 5655 – 8278. Within this range the corresponding numbers of 3-bed or more dwellings would be 1877 (33%) – 2507 (30%).

- 5.5. Clearly, the proportion of 3-bed or more dwellings would be significant at approximately one-third of the total housing stock. Insofar as some of these dwellings have already been built, the full one-third would not be affected by the proposed amendment. Nevertheless, a considerable proportion would be.
- 5.6. Beyond the revisions to car parking standards, one specific example of a tension between the proposed amendment and the Guidelines relates to parking within the curtilages of dwellings. Thus, the proposed amendment would omit a reference to the exclusion of private car parking in front gardens, whereas the Guidelines seek to avoid or minimise such parking in favour of more versatile on-street parking. They add that “Where off-street or in-curtilage parking is provided it should be designed to integrate into the block layout and building envelope in order to maximise efficiency, enable future adaptability to other use and to reduce the visual impact of parked cars.”
- 5.7. Section 2.1.2 of the Guidelines advises on the introduction of SPPRs into SDZ planning schemes. Its second paragraph advises as follows:

In the case of a SDZ Planning Scheme, it is the intention of these Guidelines that Section 170 (2) of the Act will continue to apply and supersede any contrary provisions (including Specific Planning Policy Requirements) contained in these Guidelines until the Planning Scheme is amended to integrate changes arising from the Guidelines. This is to ensure that the consequences of the updated standards can be fully integrated into the planning schemes in due course without unintended consequences. In this regard, no permission shall be granted for any development that would not be consistent with the planning scheme.

In the light of this advice, PAs have time to bring forward proposed amendments to planning schemes that incorporate SPPRs in a fully integrated manner. I, therefore, consider that, in the current instance, the PA will have the opportunity in the future, under a further proposed amendment to Section 4.2.10 of its Planning Scheme, to address the incorporation of SPPR 3 in a fully integrated manner.

- 5.8. Alternatively, there may be an opportunity for the PA, in its respond to any public consultation, to consider SPPR 3 and its supporting commentary. How it responds is governed by Section 170A(9)(d) of the Act, which states that a PA’s report on the public consultation exercise shall

give the response of the planning authority to the issues raised, taking account of the proper planning and sustainable development of the area, the overall objectives of the planning scheme, the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or of any Minister of the Government.

Depending on the responses received, the reference to “any relevant policies or objectives for the time being of the Government or any Minister of the Government” would *prima facie* allow the Guidelines to be considered.

- 5.9. As far as the current proposed amendment is concerned, I conclude that Section 2.1.2 of the Guidelines does by implication extend the needed latitude for this amendment to be considered as one that pre-dates these Guidelines. Nevertheless, under Section 170A(9)(d) of the Act, there may be an opportunity for the PA to consider the Guidelines by way of its response to the needed public consultation exercise.

6.0 Section 170A(5): Does the proposed amendment need to be the subject of SEA and/or AA?

- 6.1. Under Section 170A(4)(a) of the Act, the proposed amendment to the Cherrywood SDZ Planning Scheme must be screened with respect to its need for Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA). The Planning Authority has submitted reports intended to inform the screening processes in these respects. I will draw upon these reports, amongst other things, in the screening that is set out below.
- 6.2. The Cherrywood SDZ Planning Scheme was the subject of SEA and screening for AA. The original SEA and screening for AA were undertaken on the draft Planning Scheme, which envisaged a residential population of 25,000 in the Cherrywood SDZ. Following modifications specified by the Board, the adopted Planning Scheme reduced this figure to 20,800. However, under permitted amendments to this Scheme brought forward under application ZE06D.ZE0002, it would rise to 23,722, i.e., still less than the originally envisaged population of 25,000.
- 6.3. Under the currently proposed amendment, there would be no change in the projected residential population. In fact, under this amendment, the same overall

development outcome is anticipated, only transport provision would be modified, primarily by means of a reduction in the amount of car parking.

- 6.4. I have reviewed the proposed amendment under the “Criteria for determining whether a plan or programme is likely to have significant effects on the environment”, which is set out in Schedule 2A of the Planning and Development Regulations, 2001 – 2023. Part of the last criterion refers to “Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: - the effects on areas or landscapes which have a recognised national, European Union or international protection status.” Given the citation here of areas or landscapes which have European Union protected status, I will screen the proposed amendment for AA first and then return to the screening of it for SEA.
- 6.5. The site, which is the subject of the Cherrywood Planning Scheme, extends over the greater part of the Cherrywood SDZ. It is not in a Natura 2000 site or near to such a site. The Shanganagh River runs through the northern and easternmost portions of this site, and it flows into Killiney Bay further to the east. Killiney Bay lies within the Rockabill to Dalkey Island SAC (site code 003000) and so there is a source/pathway/receptor route between the site and this Natura 2000 site.
- 6.6. The qualifying interest of the aforementioned SAC are reefs and harbour porpoise and the conservation objectives for these interests are to maintain the favourable conservation condition of these interests in accordance with identified attributes and targets set out by the NPWS.
- 6.7. Under the proposed amendment, the same overall development outcome is anticipated as that envisaged under the original Cherrywood Planning Scheme, as amended to date. As this Scheme was previously screened for AA, both originally and as subsequently amended, and the conclusion was reached each time that it would not be likely to have any significant effect upon the conservation objectives of any Natura 2000 sites, so now under the currently proposed amendment the same conclusion follows.
- 6.8. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed amendment, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 003000, or any other

European site, in view of the site's conservation objectives, and so a Stage 2 AA is not therefore required.

- 6.9. In the light of the foregoing conclusion and in the absence of any other national or international areas or landscapes with protected status that would be effected by the proposed amendment, I consider that the ecological criterion of Schedule 2A to the aforementioned Regulations would be satisfied. I have reviewed the other criterion under this Schedule, and I consider that they, too, would be satisfied. Accordingly, I conclude that the proposed amendment would not be likely to have significant effects on the environment and so a SEA of this amendment is not necessary.

7.0 Conclusion

- 7.1. In my report, I have reached the following conclusions concerning proposed amendment No. 9 to Section 4.2.10 of the Cherrywood Planning Scheme 2014 (as amended):
- This amendment would satisfy the criteria set out in Section 170A3(b) of the Act and so it would not be a material change to the Planning Scheme that would trigger the procedures set out in Section 169 of the Act,
 - It would, under Section 170A(4)(b) of the Act, be a material change to the Planning Scheme that would trigger the procedures set out in Section 170A(7) of the Act, and
 - The amendment would not need to be the subject of SEA and/or AA.
- 7.2. The PA should, therefore, be instructed to undertake a public consultation exercise in accordance with the provisions of Section 170A(7) of the Act, and, thereafter, prepare a report upon the same for submission to the Board under the provisions of Sections 170A(8) & (9).

8.0 Recommendation

- 8.1. That, with respect to Proposed Amendment No. 9 of the Cherrywood Planning Scheme 2014 (as amended), Dun Laoghaire-Rathdown County Council be instructed to comply with the provisions of Section 170A(7), (8) & (9) of the Planning and Development Act, 2000 – 2023.

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.

Hugh D. Morrison
Planning Inspector

12th February 2024