



An
Bord
Pleanála

Inspector's Addendum 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 Planning Scheme, 2014 (as amended)).

Location

Cherrywood, Co. Dublin

Planning Authority

Dun Laoghaire Rathdown County Council

Applicant(s)

Dun Laoghaire Rathdown County Council.

Type of Application

Amendment of SDZ Planning Scheme

Date of Site Inspection

N/A

Inspector

Lucy Roche

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1.0 Introduction

- 1.1. Dun Laoghaire-Rathdown County Council as the Development Agency for the Cherrywood Strategic Development Zone (SDZ) Planning Scheme 2014 (as amended) made an application to the Board on the 31st of May 2023 to further amend the planning scheme (Amendment No. 9). The proposed amendments to the planning scheme relate solely to section 4.2.10, “Car Parking Standards”.
- 1.2. At a meeting of the 10th of April 2024, the Board determined, that the proposed amendment to the Cherrywood Planning Scheme 2014 would not:
 - (i) Constitute a change on the overall objective of the scheme,
 - (ii) Relate to lands that are already developed,
 - (iii) Significantly increase the overall commercial and/or residential yield under the Planning Scheme adversely affect or diminish the amenity of the area,
 - (iv) Be likely to have a significant effect on the integrity of Natura 2000 sites in the vicinity, either individually or in combination with other plans or projects, and
 - (v) Be likely to have a significant effect on the environment so as to warrant an SEA of the amendment.
- 1.3. The Board also determined, in accordance with section 170A(4)(b) of the Planning and Development Act 2000, as amended, that the proposed amendments to the Cherrywood Planning Scheme constitute a material change but that which falls within the criteria set out in subsection 3(b).
- 1.4. As such, Dun Laoghaire Rathdown County Council were instructed by the Board to undertake a public consultation exercise in accordance with the provisions of Section 170A (7) of the Act, and, thereafter, to prepare a report upon the same for submission to the Board under the provisions of Sections 170A (8) & (9).
- 1.5. Dun Laoghaire Rathdown County Council’s response on the submissions received during the statutory public consultation period was received on the 25th of July 2024, within the statutory time frame. The response documentation comprises the following:
 - Response Report (including Appendix A: Cherrywood Strategic Development Zone Residential Parking Study Addendum (Background Technical Report by AECOM, July 2024)
 - Addendum reports to inform SEA and AA Screening

- The proposed amendments – tracked changes version including minor modifications to text following consultation process
- Chapter 4, Section 4.2.10 – Current text
- Link to Cherrywood SDZ Planning Scheme, 2014 (as amended)

1.6. Under the provisions of Section 170 A (10) the Board is now required to have regard to the report prepared in accordance with subsections (8) and (9). The Board decided on the 4th of September 2024 to refer the case back to the inspectorate for an addendum report to the report dated 12th of February 2024.

1.7. For reference a copy of Section 170 A of the Planning and Development act 2000 (as amended) is appended to this report.

2.0 **Amendment No.9**

2.1. Amendment No.9 to the Cherrywood Planning Scheme relates specifically to Section 4.2.10, “Car Parking Standards” and comprises various additions, deletions, and changes to the wording of this Section as well as alterations to the residential car parking standards set out in Table 4.4. It is of relevance to note that the standards set out in Table 4.4 are now proposed as maximum standards as opposed to minimum standards in the current scheme.

2.2. The main reasons for the proposed amendments are cited as follows:

- To update the Planning Scheme to align and accord with changed and emerging national, regional and local policy context relating to car parking, and to promote sustainable public and active travel modes, and climate change mitigation measures.
- To guide the provision of an appropriate level of car parking provision, including having regard also to the need to consider car ownership and usage trends, changes in travel behaviour, climate action, and emerging best practice in relation to car parking.

- To set out reduced maximum standards for residential development across each of the residential density zones (Res 1 – Res 4) and within the Town Centre and Village Centres and for shared car spaces
- To reduce the maximum residential car parking standards as proposed by way of this Amendment to take cognisance of proximity to public transport services, the ambitious modal split targets for sustainable transport modes as set in the Cherrywood Planning Scheme, and the potential for car sharing and other recent and emerging innovations in car parking.

2.3. The proposed revisions to the Cherrywood Planning Scheme are set out clearly in the document submitted with the application and have been summarised in the previous Inspectors Report dated 12th of February 2024. This addendum report shall consider the report of Dun Laoghaire-Rathdown County Council on the public consultation exercise held in July 2024, and the modifications to the text of Proposed Amendment No. 9 proposed in response to the submissions/ observations received. Further consideration will also be given to the proposed amendments and how they relate to the standards for car parking set out in the “Sustainable Residential Development and Compact Settlements” which were published in January 2024 following the lodgement of Proposed Amendment No.9 with the Board (May 2023).

2.4. This report should be read in conjunction with the previous Inspectors Report on file.

3.0 Public Consultation

3.1. Section 170A (7) of the Planning and Development Act 2000, as amended, sets out the requirements regarding the undertaking of public consultation in respect of an amendments to a Planning Scheme under Section 170A(4)(b), this includes sending notice and copies of the proposed amendment of the planning scheme to the Minister and the prescribed authorities. Details of the public consultation process engaged in by DLR are set out in section 2 the response report and are summarised hereunder.

3.2. On Friday 31st May 2024 details of said public consultation were published in newspaper notices in The Irish Times, The Irish Independent and The Herald. Public consultation took place over a four-week period from Friday 31st of May 2024 to

Monday 1st of July 2024 inclusive, including two public in person information sessions facilitated by DLR personnel.

- 3.3. In compliance with the public consultation requirements, a copy of the proposed amendment along with the reports to inform screening for Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA) were made available for inspection online and at stated locations for the consultation period.
- 3.4. Written submissions or observations with respect to the proposed amendment and associated reports to inform screening for SEA and AA were invited from members of the public and other interested parties and could be made in writing to the planning authority not later than Monday the 1st of July 2024.
- 3.5. On the basis of the information provided in the planning authority's response report, I am satisfied that the planning authority has met the requirements of Section 170A (7) of the of the Planning and Development Act 2000, as amended in respect of public consultation.

4.0 Planning Authority's Consideration of Submissions Received

- 4.1. The planning authority's response on the submissions received during the statutory public consultation period was received on the 25th of July 2024, within the statutory time frame prescribed under of Section 170A (8) of the of the Planning and Development Act 2000, as amended.
- 4.2. The planning authority received a total of eleven (11no.) submissions / observations on the proposed amendments to the planning scheme. This included five (5no) submissions from prescribed statutory bodies. A list of the persons / Bodies who made submissions or observations is set out in Section 3 of the response report.
- 4.3. The report in Sections 7 and 8, provides a summary of the issues raised in the submissions / observations received along with the Planning Authority's response to same. It is stated in the report that the planning authority's response to the submissions / issues raised takes account of the proper planning and sustainable development of the area, the objectives of the planning scheme, statutory obligations and relevant Government policies and objectives.
- 4.4. As previously noted, five (5no.) submissions / observations were received from prescribed bodies, namely the Environmental Protection Agency (EPA), Transport

Infrastructure Ireland (TII), the Department of Education, Minister Ryan of the Department of Transport and the National Transport Authority (NTA). The issues raised and the planning authority's response to same are set out in section 7 of the report and are summarised in the following table.

Prescribed Body	Summary of Issues Raised	Planning Authority's (PA) Response and Recommendation:
EPA	Advised on the obligations in respect of SEA and AA.	Submission noted. PA Recommendation: <i>No Change to proposed Amendment</i>
TII	Subject to maintaining the transport controls of the adopted planning scheme, the proposed amendment is appropriate and acceptable	Submission noted and support from the proposed amendments welcomed. PA Recommendation: <i>No Change to proposed Amendment</i>
Dept. of Education	Notes the proposed changes and acknowledges the rationale for same. The proposal has the potential to release a reasonable amount of land for alternative uses and requests clarification on same.	Submission noted. Regarding the surplus land no longer required for parking the PA clarifies that surface level areas should be re-utilised for sustainable/active travel measures or public realm improvements. Decommissioned basement and undercroft parking should be re-utilised for communal, commercial and or/uses related to the primary land use, resident

		<p>facilities or appropriate sustainable / active travel measures.</p> <p>PA Recommendation:</p> <p><i>No Change to proposed Amendment</i></p>
<p>Minister Ryan</p> <p>Dept. of Transport</p>	<p>Notes the content of the amendment – no comments to make.</p>	<p>Submission noted.</p> <p>PA Recommendation:</p> <p><i>No Change to proposed Amendment</i></p>
<p>NTA</p>	<p>Supports the proposed amendment but clarifies that the referenced 'Design Manual for Urban Roads and Streets' was prepared by the Department of Transport, Tourism and Sport and the Department of Housing, Planning and Local Government and is not an NTA publication.</p>	<p>Notes the comments of the NTA.</p> <p>PA Recommendation:</p> <p><i>Recommends a minor modification to the text of the amendment to address the incorrect reference.</i></p>

- 4.8. Section 8 of the report provides a summary of issues raised in submissions received / observations made by third parties along with the planning authority's response to same. Submissions were received from Christopher Maher, Rob Flanagan, BMA Planning (for Hines Cherrywood Development Fund ICAV); Daniel Burns, Stephen Little and Associates (for Quintain Developments; Ronan Group; William Neville and Sons and John Spain and Associates (for Manciano Ltd).
- 4.9. Of the six (6no.) submissions received, one stated opposition to the proposed amendment, arguing against a reduction in car parking standards. The remaining five (5no.) while generally supportive of the amendment, raised various concerns / issues. The objections / issues / concerns raised in the submission received and the planning authority's response to same have been grouped and are summarised in the following table.

Summary of Issues / Concerns Raised	Planning Authority's (AP) Response and Recommendation:
<p>Car infrastructure should not be reduced as it is the primary mode of transport and is superior in terms of accessibility and efficiency. Public transport and cycle infrastructure is welcome but not at the expense of car infrastructure.</p>	<p>The purpose of the proposed amendment is to update the Planning Scheme to align with changed and emerging national, regional and local policy context relating to car parking, the promotion of sustainable public and active travel modes and climate change mitigation.</p> <p>The amendment is intended to guide the provision of appropriate level of car parking provision with cognisance of the proximity to public transport services, the ambitious modal split targets for sustainable transports set out with the scheme, and the potential for car sharing and other recent and emerging innovations in car parking.</p> <p>PA Recommendation:</p> <p>No Change to proposed Amendment</p>
<p>Car parking standards should be reduced further.</p>	<p>The standards set out in the proposed amendment have been formulated on the basis of a comprehensive review of policy and an evidence-based approach as set out in the Background Technical Report, by AECOM (updated July 2024). The analysis indicates that when applying the maximum car parking standards as per the Proposed Amendment to undeveloped lands within the STZ, the overall rate of car parking would equate to 0.89 spaces per unit on average. This is below the maximum permitted rate of 1 space per unit as set out in the Compact Settlement Guidelines. Having regard to the lack of on-street parking in Cherrywood, the</p>

	<p>need to protect the public realm from overspill parking and the need to provide an appropriate level of parking, the Planning Authority does not consider it appropriate to further reduce car parking standards.</p> <p>PA Recommendation:</p> <p><i>No Change to proposed Amendment</i></p>
Car sharing spaces should be increased with additional supports:	<p>The Council actively supports car sharing by providing specific public car sharing parking spaces throughout the County as well as ensuring that those who use car sharing services can avail of free on-street parking in the County.</p> <p>PA Recommendation:</p> <p><i>No Change to proposed Amendment</i></p>
Regarding the repurposing of decommissioned basement / under croft parking, it is requested that the floor area concerned be excluded from floorspace allocations applicable to the plot in question.	<p>The PA acknowledges and generally accepts the point made having regard to the merit in re-purposing former car parking spaces and the reutilisation of basement / under croft space.</p> <p>PA Recommendation:</p> <p><i>Proposed addition to text</i></p>
Concerns regarding the part of the text insertion relating to ' <i>Future re-purposing of Car Parking</i> ' and amendments to permitted development being utilised for alternatives uses. The option should be available to reduce basement areas rather than just repurpose	<p>It was never and is not the intention of the PA to seek the build-out of an over-sized basement.</p> <p>The reference in the proposed text to '<i>or permitted</i>' development was intended to refer to already constructed or part constructed development. In the event that a permitted development has not yet been implemented</p>

	<p>there is potential for basement reduction with reduced parking rather than re-purpose.</p> <p>The PA accepts that the proposed text may lead to confusion.</p> <p>PA Recommendation:</p> <p>Modification of text to delete reference to '<i>or the amendments of such permitted development</i>'</p>
<p>Concern regarding the part of the text insertion relating to '<i>Usage Charge</i>' for residential Car Parking.</p> <p>The application of a usage charge for parking spaces for 1 and 2 bed units is prescription and problematic.</p> <p>This matter should be addressed at planning application stage and considered on a case-by-case basis.</p>	<p>Parking management measures such as the 'usage charge' proposed under this amendment, are intended to make private car use more expensive and less convenient for residents thereby increasing the relative attractiveness of non-car modes for travel.</p> <p>However, the concerns raised do have certain merit and additional flexibility could be introduced.</p> <p>PA Recommendation:</p> <p>Modification to the text to introduce additional flexibility in the allocation and management of car parking for apartment, duplex and triplex units. Houses are to be distinguished to ensure that houses are allocated a minimum of one car parking space.</p>
<p>Concerns regarding the part of the text insertion related to '<i>Additional External Infrastructure Provision</i>'.</p> <p>The proposed text allows for a reduced parking rate (below 0.5space /unit) in exceptional circumstances and where the applicant / developer commit to providing</p>	<p>The proposed residential parking standards in Table 4.4 have been determined following comprehensive evidence-based assessment.</p> <p>However, it is accepted that there may be instances where it can be comprehensively demonstrated by a developer, and subsequently accepted by the Planning</p>

<p>additional infrastructure / demand management measures. The requirement for additional infrastructure is raised as an issue in three of the submissions. This requirement is considered onerous and beyond the control of developers. Such measures are a matter for public transport providers.</p>	<p>Authority that there is a specific requirement for a lower number of residential car parking spaces than prescribed under table 4.4. The proposed amendment allows for such exceptional circumstances and is considered reasonable. However, it is also considered that minor modifications to the supporting text can be made to provide an additional level of flexibility.</p> <p>PA Recommendation:</p> <p>Modification to the text</p>
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5.0 Proposed Modifications on Foot of Submissions / Observations Received:

5.1. Following consideration of all the submissions received during the statutory public consultation period, the planning authority formed the opinion that no significant changes to Proposed Amendment No.9 of the Cherrywood Planning Scheme from that previously presented to the Board were required; however, the planning authority has proposed certain minor modifications to the text of Proposed Amendment No.9. These are set out hereunder. For ease of reference the text proposed to be deleted is shown as ~~strike through~~, while any new / additional text is shown in **bold**.

5.2. Proposed Modification 1:

In the final introductory paragraph, above the heading 'Future Repurposing of Car Parking Spaces' it is proposed to omit reference to the 'NTA' and replace and replace same with reference to the Department of Transport, Tourism and Sport and the Department of Housing, Planning and Local Government, as follows:

*All proposals relating to car parking will be required to prioritise the creation of a high-quality public realm in Cherrywood, including in terms of visual impact, amenity, and safety consistent with the Planning Scheme, and ~~NTA's~~ the **Department of Transport, Tourism and Sport and the Department of Housing, Planning and Local Governments** Design Manual for Urban Roads and Streets (DMURS).*

5.3. Proposed Modifications 2, 3 and 4:

Under the heading 'Future Repurposing of Car Parking Spaces' it is proposed to amend the text (by way addition and deletion) as follows:

*Proposals for retrospective repurposing of existing ~~or permitted~~ car parking spaces will be expected to maximise basement car parking and minimise surface level / under-croft parking. Surface level spaces should be re-utilised for sustainable/active travel measures or public realm improvements, including amenity space, landscaping and other public / communal realm enhancements. Decommissioned basement and under-croft parking, ~~or the amendment of such permitted developments~~, should be re-utilised for communal, commercial, and / or uses related to the primary land-use, resident facilities or appropriate sustainable / active travel measures. **In such circumstances, floorspace created by decommissioned basement and /or under croft parking will be excluded from the gross floor area calculations applicable to the subject plot, unless otherwise specified and subject to meeting the requirements of the Planning Scheme objective and generally in accordance with proper planning and sustainable development.***

5.4. Proposed Modification 5:

Under Table 4.4: Maximum Residential Car Parking Standards, it is proposed to amend the text of NOTE 2 (by way of addition and deletion) as follows:

NOTE 2: **A minimum of 1 car parking space shall be allocated to 2 bed and 3 or more bed houses.** Car parking spaces for 1 ~~and 2 bed dwelling~~ **bed units, 2 bed units, 3 or more bed units** and **all** dwelling units in Town and/or Village Centres shall ~~not be unallocated~~ **allocated to units** and with a usage charge applying to each space. ~~All other car parking shall be allocated, with no usage charge.~~

Developers will have sole responsibility for appointing a management company to **appropriately manage residential car parking for these units and to administer car parking demand management measures including a usage charge or otherwise as well as** manage and enforce areas of parking designated for visitor use ~~or for residents in studio, 1- and 2- bed units.~~ **Detailed** 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.

For ease of reference, NOTE 2 as amended would read as follows:

NOTE 2: A minimum of 1 car parking space shall be allocated to 2 bed and 3 or more bed houses. Car parking spaces for 1 bed units, 2 bed units, 3 or more bed units and all dwelling units in Town and/or Village Centres shall not be allocated to units. Developers will have sole responsibility for appointing a management company to appropriately manage residential car parking for these units and to administer car parking demand management measures including a usage charge or otherwise as well as manage and enforce areas of parking designated for visitor use. Detailed 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.

5.5. Proposed Modification 6:

Under the heading 'Residential' it is proposed to include additional text as follows:

*The standards as set out in Table 4.4 above are maximum standards and shall apply as the residential car parking standards for all planning applications. There may be exceptional circumstances where a reduction in residential car parking provision below the stated maximum may be warranted. Developments seeking to avail of a reduced residential car parking provision below the maximum standards set out above, may only do so upon evidence-based demonstration of exceptional circumstances **and where the following criteria can be met, or similar in terms of being strategic in nature and impact.** This will be dependent on the level of sustainable infrastructure and/or services proposed; the potential for travel by active, public or sustainable modes; the extent to which proposals complement strategic infrastructure proposals; and implementation of demand management methods and solutions. To enable provision of car parking below the stated maximum, applicants/developers must commit to providing and/or contributing to additional infrastructure provision and/or demand management measures, such as, **but not limited to:** Regional Mobility Hubs; Strategic active travel / public transport link infrastructure or services; and comprehensive smart parking measures. An applicant's proposals shall demonstrate to the satisfaction of the Planning Authority that their proposals significantly and strategically advance and contribute to the social, economic and sustainable physical infrastructure within the Planning Scheme*

area. In this regard, the Planning Authority may consult with NTA, TII and other relevant stakeholders.

5.6. Conclusion:

I have considered the suggested modifications to the text of Proposed Amendment No.9 of the Cherrywood Planning Scheme, and I am satisfied that the modifications to the text as proposed are appropriate and reasonable. The proposed modifications to the text are of a minor nature and do not represent a significant change from that originally presented to the Board for Consideration.

6.0 Appropriate Assessment and Strategic Environmental Assessment.

- 6.1. Proposed Amendment No.9 of the Cherrywood SDZ Planning Scheme was screened with respect to its need for Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA). The Board determined that the proposed amendment to the Planning Scheme would not be likely to have a significant effect on Natura 2000 sites, either individually or in Combination with other plans or projects and would not be likely to have significant effect on the environment to warrant an SEA of the amendment.
- 6.2. The modifications to the text of the proposed amendment, as set out in the planning authority's response report, and as outlined in Section 4 above, are minor in nature and would not represent a significant departure from that previously presented to the Board. I am satisfied that the proposed Amendment No.9 as modified would not give rise any SEA or AA issues.

7.0 Planning Rationale and Policy Context:

- 7.1. As previously noted in section 2.0 of this report, one of the main reasons for the proposed Amendment is to update the Planning Scheme to align and accord with changed and emerging national, regional and local policy context relating to car parking. In the preparing the proposed amendment, Dun Laoghaire-Rathdown County Council had regard to the following: the Government's Climate Change Action Plan, 2021; the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Region 2019-2031; The Greater Dublin Area Transport Strategy, 2022-2042 as published by the NTA, the Dun Laoghaire-Rathdown Climate

Change Action Plan, 2019-2024 and the Dun Loaghaire-Rathdown County Development Plan, 2022-2028. Regard was also had to the Consultation Paper on the Sustainable and Compact Settlement Guidelines for Planning Authority's, March 2023.

- 7.2. The guidelines on "Sustainable Residential Development and Compact Settlements" were published in January 2024 following the lodgement of Proposed Amendment No.9 with the Board (May 2023).
- 7.3. The Guidelines in Section 5.3.4 address car parking for residential development. This section includes a specific planning policy requirement, SPPR 3, which states that in urban neighbourhoods, of which it has been previously determined the Cherrywood SDZ can be classified, *"car parking provision 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 an SPPR, it is mandatory.
- 7.4. The Board Inspector, in the initial assessment of this amendment application (report dated 12th February 2024) identified possible conflicts between Proposed Amendment No.9 and the car parking standards set out in the Guidelines. Regarding SPPR3, it was noted that as per the proposed amendment, the maximum standard of 1 no. space per dwelling would be exceeded in the cases of 3 or more bed units and 3 or more bed houses. Regard was had to section 2.1.2 of the Guidelines which advises on the introduction of SPPRs into SDZ planning schemes 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.

- 7.5. On this basis, the Inspector concluded that the proposed amendment could be considered as one that pre-dated the 2024 Guidelines, but also recognised that there may be opportunity under Section 170A(9)(d) of the Act, for the planning authority to consider the Guidelines in its response to the public consultation exercise.
- 7.6. The planning authority's response report includes an addendum to the Car Parking Advice Note previously submitted. This addendum document includes an evidence-based review of the proposed car parking standards and amendment vis-a-vis the relevant requirements and policy guidance set out in the Compact Settlement Guidelines.
- 7.7. The analysis determined that:
- Calculated parking ratios determined for each standalone approved planning application show that the majority of residential development in Cherrywood would operate with parking ratios less than one space per dwelling
 - Consideration of the SDZ as a whole shows that calculated parking ratios would be below the maximum 1 space per dwelling overall i.e. 0.69 spaces per dwelling
 - Calculated parking ratios were also determined for each of the 8 development areas within the SDZ. The analysis shows that calculated parking ratios would be below the maximum 1 space per dwelling overall
 - Analysis of zoned land within the SDZ based on anticipated housing typologies showed that the calculated parking ratios would be below the maximum 1 space per dwelling overall i.e. 0.89 spaces per dwelling.
- 7.8. It was concluded, that if approved by ABP, the proposed maximum parking standards for the Cherrywood SDZ planning scheme would result in the SDZ as a whole (including zoned land yet to be developed), operating well within the maximum standard outlined in the Guidelines with predicted parking ratios ranging between 0.53 and 0.91 spaces per dwelling across all development areas and zoned lands.
- 7.9. The analysis presented was based on AECOM's interpretation of Clause (i) of SPPR3, that whilst the maximum parking provision should be considered as 1no.

space per dwelling, individual dwelling types may have a car parking ratio above 1no. space per dwelling on the basis that the maximum parking ratio for the overall development area does not exceed 1no. space per dwelling collectively. I would agree with this interpretation, and I am satisfied, based on the information presented that Amendment No.9 of the Cherrywood Planning Scheme would accord with SPPR3 of the Compact Settlement Guidelines.

7.10. The Board Inspector in the initial assessment of this amendment application also noted the proposal to omit from the text reference to the exclusion of private car parking in front gardens, noting that the Guidelines in section 5.3.4 seek to avoid or minimise such parking in favour of more versatile on-street parking. The Inspector identified this as a possible source of tension between the amended Planning Scheme and the Guidelines.

7.11. This proposed text amendment to the Planning Scheme relates to the final paragraph of Section 4.2.10 Car Parking Standards, as follows:

From: (omitted text underlined)

The urban form envisaged for areas designated as Res 1 and Res 2 is street frontage, terraced housing, perimeter blocks, individual house design, duplex and apartments mixes. The traditional layout with private car parking in the front gardens will not be an option for the majority of homes in these areas so well considered undercroft car parking, grouped parking, off-site parking etc should all be considered at the design stage.

To: (added text in **bold**).

*The urban form envisaged for areas designated as Res 1 and Res 2 is street frontage, terraced housing, perimeter blocks, individual house design, duplex and apartments mixes. Well considered undercroft car parking (**basement car parking for apartment developments**), grouped parking, off-site parking, **and innovative car parking solutions**, etc **must** all be considered at the design stage.*

For all residential development, plan layouts detailing a proliferation of surface level residential car parking will not be considered acceptable as it may lead to poor quality urban design.

- 7.12. Following consideration of the proposed text (as outlined above) I am satisfied that no conflict arises. The wording of the proposed text does not preclude or directly discourage private car parking in the front gardens; however, it does require that consideration be given to other forms of parking at design stage *and states that* proliferation of surface level residential car parking will not be considered acceptable. I consider that this position would align with the Guidelines. Ultimately, the form and location of car parking for new residential development in Cherrywood and compliance of same with the Sustainable and Compact Settlement Guidelines will be considered at application stage.
- 7.13. In conclusion, I am satisfied that the Amendment No.9 of the Cherrywood Planning Scheme as proposed would not conflict with the policy standards and provisions of the Sustainable and Compact Settlement Guidelines.

8.0 Conclusion

- 8.1. The Board determined that Proposed Amendment No.9 of the Cherrywood SDZ Planning Scheme, 2014 (as amended) constitutes a material change to the adopted Planning Scheme but that which falls within the criteria set out in subsection 3(b). The Board instructed, Dun Laoghaire Rathdown County Council, as the as the Development Agency for the Planning Scheme to undertake a public consultation exercise in accordance with the provisions of Section 170A (7) of the Act, and, thereafter, to prepare a report upon the same for submission to the Board under the provisions of Sections 170A (8) & (9). Said report was received by the Board on the 25th of July 2024.
- 8.2. Following consideration of the planning authority's response report and supporting documentation and following consideration of the proposed modifications to the text for Proposed Amendment No. 9, I am satisfied that the provisions of Sections 170A (7), (8) and (9) of the Planning and Development Act 2000 -2024 have been met in respect to Proposed Amendment No. 9 of the Cherrywood Planning Scheme 2014 (as amended). I have had regard to the report of the Planning Authority under S170

A (10). I consider the proposed amendment to be reasonable and in accordance with national policy and guidelines.

- 8.3. I, therefore, recommend that the Board approve the proposed amendment under section 170A(4)(b) and that they notify the Planning Authority and all persons who made a submission or observation in accordance subsection (7)(iii), of the approval of the amendment in accordance with section 170A (11).

9.0 Recommendation

- 9.1. That under Section 170A subsections (4)(b) and (11) of the Planning and Development Act, 2000 – 2024, the Board approve Proposed Amendment No. 9 of the Cherrywood Planning Scheme 2014 (as amended).

10.0 Reasons and Considerations

Having regard to:

- The approved Planning Scheme for the Cherrywood Strategic Development Zone 2014 (as amended)
- Proposed Amendment No.9 of the Planning Scheme for the Cherrywood Strategic Development Zone 2014 (as amended) which relates to the residential Car Parking standards set out in section 4.2.10 of the approved Planning Scheme and which are intended to update the Planning Scheme to align and accord with changed and emerging national, regional and local policy context relating to car parking and to promote sustainable public and active travel modes, and climate change mitigation measures.
- The 11no. submissions made to Dun Laoghaire - Rathdown County Council under the Section 170A (7) of the Planning and Development Act, 2000 – 2019, public consultation exercise,
- Dun Laoghaire - Rathdown County Council's report on public consultation, July 2024, and the modifications to the text for Proposed Amendment No. 9 proposed in response to the submissions/ observations received, submitted to the Board under S170 A (9)
- The inspectors' original and addendum reports

The Board determined in accordance with section 170A(4)(b) of the Planning and Development Act 2000, as amended, that the proposed amendment to the Planning Scheme for the Cherrywood Strategic Development Zone constitutes a material change but which falls within the criteria set out in Section 3(b).

The Board is satisfied that the provisions of Section 170A (7), (8) & (9) of the Planning and Development Act, 2000 as amended have been complied with.

The Board is satisfied that the modifications to the text for Proposed Amendment No. 9 proposed in response to the submissions/ observations received are of a minor nature and do not represent a significant change from that originally present to the Board for Consideration.

The Board is satisfied that the proposed amendment to the Planning Scheme for the Cherrywood Strategic Development Zone, as modified in response to the submissions / observations received, would not raise any SEA or AA issues and that they would thus accord with the proper planning and sustainable development of the said Strategic Development Zone.

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

4th November 2024

Appendix 1 – Section 170A of the Planning and Development act 2000 (as amended)

170A.—(1) A planning authority may, on its own behalf where it is promoting a planning scheme, or on behalf of a development agency which is promoting a planning scheme, make an application to the Board to request an amendment under this section to a planning scheme.

(2) Where an application under *subsection (1)* has been made, the Board shall make a decision, in a manner provided for by this section, as to whether the making of the amendment to which the request relates would constitute the making of a material change to the planning scheme.

(3) (a) Where the amendment F707[~~fails to satisfy~~] each of the criteria referred to in *subparagraphs (i) to (iv) of paragraph (b) F708[...]*, the Board shall require the planning authority to amend the planning scheme in compliance with the procedure laid down in section 169 and that section shall be construed and have effect accordingly.

(b) The criteria referred to in *paragraph (a)* are that the amendment to the planning scheme concerned—

(i) would not constitute a change in the overall objectives of the planning scheme concerned,

(ii) would not relate to already developed land in the planning scheme,

F709[(iii) would not significantly increase or decrease the overall floor area or density of proposed development, and

(iv) would not adversely affect or diminish the amenity of the area that is the subject of the proposed amendment.]

(v) F710[...]

(4) If the Board determines that the making of the amendment to a planning scheme—

(a) is a change of a minor nature and not likely to have significant effects on the environment (within the meaning of Annex II of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment) or on a European site, then it may approve the making of the amendment to the planning scheme and notify the planning authority or each planning authority for the area or areas concerned, of the amendment, or

(b) constitutes the making of a material change but is within the criteria set out in *subsection (3)(b)*, then, subject to *subsection (5)*, it may approve the making of the amendment to the planning scheme with such amendment, or an alternate amendment, being an amendment that would be different from that to which the request relates but would not represent, in the opinion of the Board, a more significant change than that which was proposed.

(5) Before making a determination to which *subsection (4)(b)* would relate, the Board shall establish whether or not the extent and character—

(a) of the amendment to which *subsection (1)* relates, and

(b) of any alternative amendment it is considering and to which *subsection (4)(b)* relates,

are such that, if the amendment were to be made, it would be likely to have significant effects on the environment (within the meaning of Annex II of Directive 2001/42/EC) or on a European site and, for that purpose, the Board shall have reached a final decision as to what is the extent and character of any alternative amendment, the making of which it is also considering.

(6) If the Board determines that the making of either kind of amendment referred to in *subsection (4)(b)* —

(a) is not likely to have significant effects on the environment (within the meaning of Annex II of Directive 2001/42/EC) or on a European site, it shall proceed to make a determination under *subsection (4)(b)*, or

(b) is likely to have significant effects on the environment (within the meaning of Annex II of Directive 2001/42/EC) or on a European site, then it shall

require the planning authority to undertake a strategic environmental assessment or an appropriate assessment or both such assessments, as the case may be, in relation to the making of the proposed amendment or alternative amendment.

(7) Before making a determination to which *subsection (4)(b)* would relate, the Board shall require the planning authority concerned—

(a) to send notice and copies of the proposed amendment of the planning scheme concerned to the Minister and the prescribed authorities, and

(b) to publish a notice of that proposed amendment in one or more newspapers circulating in the area concerned,

and every such notice shall state—

(i) the reason or reasons for the proposed amendment,

(ii) that a copy of the proposed amendment, along with any assessment undertaken according to *subsection (6)(b)*, may be inspected at a stated place or places and at stated times during a stated period of not less than 4 weeks, and

(iii) that written submissions or observations with respect to the proposed amendment may be made to the planning authority within the stated period, being a period of not less than 4 weeks, and any such submissions or observations will be taken into consideration before making a decision on the proposed amendment,

and the copy of the proposed amendment shall be made available for inspection accordingly.

(8) Not later than 8 weeks after giving notice under *subsection (7)*, or such additional time as may be required to complete any assessment that may be required pursuant to *subsection (6)(b)* and agreed with the Board, the planning authority shall prepare a report on any submissions or observations received as a consequence of that notice and shall submit the report to the Board for its consideration.

(9) A report under *subsection (8)* shall—

(a) list the persons or bodies who made submissions or observations for the purposes of *subsection (7)(iii)*,

(b) summarise the issues raised in the submissions or observations so made,

(c) include, where and if required for the purposes of *subsection (6)(b)*, either or both—

(i) the environmental report and strategic environmental assessment,
and

(ii) the Natura impact report and appropriate assessment,
of the planning authority, and

(d) 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.

(10) The Board shall have regard to any report prepared in accordance with *subsections (8) and (9)*.

(11) Subject to any obligations that may arise under *Part XAB*, if the Board makes a determination to make an amendment of any kind referred to in *subsection (4)*, it shall—

(a) approve the making of an amendment to the planning scheme accordingly,

(b) notify the planning authority or each planning authority for the area or areas concerned of the amendment, and

(c) notify any person who made a submission or observation in accordance *subsection (7)(iii)* of its determination under *subsection (4)*.

(12) The amendment of a planning scheme shall not prejudice the validity of any planning permission granted or anything done in accordance with the terms of the scheme before it was amended except in accordance with the terms of this Act.

(13) Without prejudice to the generality of *subsection (12)*, *sections 40 and 42* shall apply to any permission granted under this Part.]