



An
Bord
Pleanála

Inspector's Report ABP-321401-24

Development

Proposed amendment (No. 10) of the Cherrywood SDZ Planning Scheme relating to Non-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

Planning Authority Reg. Ref.

Applicant(s)

Dun Laoghaire Rathdown County Council

Type of Application

Section 170A Amendment of Cherrywood SDZ Planning Scheme

Inspector

Aisling MacNamara

1.0 Introduction

- 1.1. Cherrywood in Dun Laoghaire Rathdown was designated a Strategic Development Zone (SDZ) in May 2010 by Government Order. Dun Laoghaire Rathdown County Council is the designated Development Agency for the SDZ. The Cherrywood Strategic Development Zone (SDZ) Planning Scheme was approved subject to modifications by An Bord Pleanála (PL06D.ZD.2010) in April 2014. The Scheme is a framework for the mixed use development of approximately 360 hectares in eight development areas.
- 1.2. As per section 170A of the Planning and Development Act 2000 (as amended), a planning authority may on its own behalf or in its capacity as a development agency make an application to the Board to request an amendment to a planning scheme.
- 1.3. Dun Laoghaire Rathdown County Council (DLRCC) as the Planning Authority and Development Agency for the Cherrywood SDZ have submitted an application to the Board to request an amendment under Section 170A. This is proposed amendment number 10 to the scheme and relates to non residential car parking standards.
- 1.4. The Planning Scheme has been the subject of the following applications to the Board for amendments:
 - ABP ZE06D.ZE0002, 2017 - Amendments 1-4 relate to the changes on foot of 'Sustainable Urban Housing: Design Standards for New Apartments for Planning Authorities' relating to density and floor areas. These amendments were considered 'minor' and not material and the amendments were approved. Amendment 5 related to sequencing of retail development in the town centre lands. This amendment was deemed material and the planning authority was advised to carry out the statutory public consultation under section 170A(7)(8)&(9). This amendment was subsequently withdrawn.
 - ABP 302223-18, Dec 2018 - Amendment 5 consisted of a re-writing of chapter 7 and relates to the sequencing and phasing of development. This amendment was considered minor / not material and was approved.
 - ABP 305785-19, Jan 2020 - Amendment 6 relates to residential car parking standards. This amendment was considered minor / not material and was approved.

- ABP 308753-20, April 2021 - Amendment 7 relates to Beckett Road Realignment including zoning and text amendments. This amendment was considered minor / not material and was approved.
- ABP310382-21, Jan 2022 - Amendment 8 relates to increases in the building height and density at certain locations. This amendment was considered material and the planning authority were advised that the amendment requires the re-making of the scheme by the members under section 169 of the Act.
- ABP 317574-23, November 2024 - Amendment 9 relates to car parking standards and residential car parking standards. This was deemed to be a material change and the planning authority were advised to carry out statutory public consultation under section 170A(7)(8)&(9). This was undertaken and the Board subsequently approved the amendment. A copy of amendment no.9 is attached in the submitted documentation.

2.0 The Statutory Process

- 2.1. The process whereby amendments to a planning scheme for a SDZ can be made is set out in section 170A of the Planning and Development Act 2000 (as amended).
- 2.2. Under subsection (1) of this section, a planning authority may make an application to the Board to amend a planning scheme.
- 2.3. Under subsection (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 fails to satisfy the criteria set out in sub-section 3(b), it is a material change of the planning scheme which would then require the planning authority, under sub-section 3(a), to amend the planning scheme in accordance with the procedures set out in section 169 for the making of a planning scheme by the members of the planning authority.
- 2.4. If such an amendment would lead to changes that would only be minor in nature, then, provided there is no need for Strategic Environmental Assessment (SEA) or Appropriate Assessment (AA), the Board may, under subsection (4)(a), approve this amendment to the planning scheme.

2.5. Under subsection (4)(b), if the proposed amendment would constitute a material change but is within the criteria set out in (3)(b), then, subject to subsection (5), it may approve the making of the amendments to the planning scheme with such amendment, or an alternate amendment of no greater significance. However this requires the following to be complied with:

- Under subsection (5), the Board shall screen the proposed amendment, or its alternative, for SEA and AA. If SEA and / or AA are required, then under subsection (6)(b) the planning authority shall be requested to undertake preparation of same.
- Under subsection (7), the planning authority shall be required to undertake a notification and consultation exercise as set out in this subsection. Thereafter under subsection (8), the planning authority shall prepare a report on the submissions and observations received as a consequence of this exercise. The report shall be prepared in accordance with the provisions set out in subsection (9) and the Board shall subsequently, under subsection (10) have regard to this report.
- Under subsection (11), subject to any SEA and / or AA obligations, if the Board has determined to make the proposed amendment or its alternative under subsection (4)(a) or (b), then the planning scheme shall be so amended, and the planning authority notified accordingly. If subsection (7) was activated, then all those who made submissions or observations shall likewise be notified.

3.0 Summary of the Proposed Amendment

3.1. The proposed amendment to the Cherrywood Planning Scheme relates to Chapter 4 Physical Infrastructure and Section 4.2.10 Car Parking Standards and 4.2.11 Bicycle / Motorcycle Parking Standards. The amendments relate to non residential car

parking including employment, retail and schools uses, park and ride and bicycle / motorcycle parking standards.

3.2. The proposed amendment text is set out in the documentation submitted. The submitted tracked changes version shows proposed new text in red and proposed deleted text in strikethrough.

3.3. The amendments are summarised and described as follows:

- A new introduction 'Non-Residential Car Parking' is proposed to be included which states that there is strong rationale to restrict non residential car parking standards on the basis of climate change targets and the shift towards sustainable transport and behavioural change, that under the DLR CDP 2022-2028 the majority of Cherrywood is located in Car Parking Zone 2 and that this classification sets out car parking standards for non residential zonings with the exception of employment uses and retail uses.
- The current section on 'Employment' uses is to be substantially omitted including table 4.5 Parking Standards for High Intensity Employment and replaced with a new text and table 4.5 Maximum Parking Standards for Office and Industry Employment Uses.
- The current section on 'Retail' is to be revised. Table 4.6 Maximum retail car parking standards is to be replaced with new Table 4.6 Maximum Parking Standards for Retail Uses.
- The proposed amendment sets out **revised tightened car parking standards for employment and retail uses** on the basis of potential for travel by alternative sustainable, active or public transport modes. Under exceptional circumstances, there may be potential deviation from the standards set out under Table 4.5 and Table 4.6. However, applications are expected to outline a supporting evidence based rationale for reduced / increased provision and complementary transport measures. The proposed amendments are summarised as follows:

Current		Proposed	
High intensity employment	1 per 100sqm gross floor area	Office Industry	1 per 140sqm gross floor area 1 per 280sqm gross floor area
Retail food	1 per 20sqm gross floor area	Retail food	1 per 35sqm gross floor area
Retail comparison	1 per 50sqm gross floor area	Retail non food	1 per 85sqm gross floor area
Retail shopping centres and stores	1 per 50sqm gross leasable area		

- The current scheme states, in relation to High Intensity Employment (HIE), that in addition to the on site car parking additional off-site car parking will be permitted in Cherrywood consisting of temporary surface car parking and permanent multi-storey car parking, as per the details in table 4.5. The following amendment is proposed:
 - In the current scheme, a **temporary surface car park** of up to 1200 spaces is to be permitted and the ratio of parking spaces to employees is to be managed downwards from 1200 to zero with improvements in public transport, upon completion of the full delivery of high intensity floorspace. It is proposed to omit the objective for the delivery of this car park. It is proposed to introduce new text which states that as employment use development is delivered, temporary surface employment use car parking in Cherrywood shall be removed over time through monitoring of need and usage. Proposals to decommission temporary surface employment car parking shall be expected to either incorporate these temporary spaces into permanent employment car parking provision in line with the new

standards, repurpose the space for sustainable mode infrastructure, implement dual use parking or revert to the land use under the scheme.

- Under the scheme a permanent **multi storey car park** is permitted. The permanent multi storey carpark is to provide 1800 spaces to provide a turnover of spaces in keeping with the mixed use nature of the area. It is proposed to omit the objective for the delivery of this car park.
- The current scheme states that **retail parking** is appropriate in village or town centre car parks either underground or multi storey rather than individual car parks associated with each retail unit. The reference to 'underground' and 'multi storey' is to be omitted and replaced with 'within the built form'.
- A minor wording revision is proposed to the section for primary and post primary schools.
- It is proposed to omit **park and ride** section. This section states that:
 - an underground park and ride at Carrickmines was permitted but has not been built, that a temporary surface car park is operating and that it is the plan to replace this with a multi storey park and ride as the area develops;
 - a temporary surface car park is permitted at Brides Glen stop and any long term provision of park and ride proximate to the town centre will be dependent on the proposal according with the NTA Strategic Transport Plan for the GDA;
- It is also proposed to update the **bicycle / motorcycle parking standards** in section 4.2.11. Under objective PI22, development is to adhere to the guidance and standards in the Dun Laoghaire Rathdown County Council Cycling Policy 2010. This is to be updated to the current 2018 DLR CoCo 'Standards for Cycle Parking and associated Cycling Facilities for New Developments'. A new paragraph is to be introduced which states that cycle parking provision for residential, employment and retail land uses in Cherrywood shall exceed the minimum requirements as a measure to cater for future demand and to complement tightened car parking standards for Cherrywood as outlined in tables 4.4, 4.5 and 4.6 (re car parking standards).

3.4. The following documents are submitted with the proposed amendment:

- Report to inform SEA screening for the proposed amendment
- Report to inform AA screening for the proposed amendment
- Cherrywood Strategic Development Zone Non Residential Parking Study (background technical report), AECOM Sept 2024,
- Letter from National Transport Authority (NTA), dated 4th November 2024 in support of the proposed amendment
- Letter from Transport Infrastructure Ireland (TII), dated 1st November 2024 in support of the proposed amendment

3.5. Section 7.3 Recommendation of the AECOM study sets out the rationale of the proposed amendments as follows:

- Current HIE and retail land use standards are considered high in comparison to some other CDPs as more parking is provided on a pro-rata basis.
- TRICS analysis shows that the non residential land use types generally operate with a maximum parking occupancy of less than the acceptable occupancy level of 85%. Therefore the standards have been determined by assuming the maximum number of spaces that can maintain 85% occupancy.
- Parking provision for these land uses is generally provided on a large scale and as such a reduction can provide the push measure for employees and customers to consider more sustainable modes.
- The NTA GDA Transport Strategy considers that measures are required for destination parking and also parking management at retail centres.

3.6. The national, regional and local policy context within which the recommendations are framed is set out in section 4.3.8. This includes the Climate Action Plan, Regional Spatial and Economic Strategy for the Eastern and Midlands Region 2019-2031, NTA GDA Transport Strategy 2022-2042, DLR County Development Plan 2022-2028 and Climate Action Plan 2024-2029, revised National Planning Framework and Ministerial Guidelines.

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

4.1. Introduction

- 4.1.1. The Board is required under subsection (2) of 170A of the Act to address the question as to whether any proposed amendment to a planning scheme would constitute a material change.
- 4.1.2. Under subsection 3(a), if such an amendment fails to satisfy the criteria set out in subsection 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 under subsection 4(b).
- 4.1.3. Thus, if the Board considers that, under subsection 4(a), an amendment is not 'of a minor nature' and yet subsection 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.
- 4.1.4. The planning authority has expressed a view in their cover letter with the application to the Board that the proposed amendment does not represent a material change to the planning scheme.

4.2. Section 170A(3)(b) materiality

- 4.2.1. This section of my report reviews the proposed amendment in accordance with section 170A(2) and (3) of the Act. The criteria, which must be satisfied to avoid a finding of subsection 3(a) materiality, are set out in subsection 3(b) as follows:
- (i) It would not constitute a change in 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 the proposed development and
 - (iv) It would not adversely affect or diminish the amenity of the area that is the subject of the proposed amendment.

4.2.2. **Criterion (i)**

4.2.3. Section 1.6 and 1.7 of the planning scheme set out the over arching vision and principles for the development of Cherrywood.

The over arching vision is:

- *To create a sustainable place with a rich urban diversity, which respects its historical and natural setting while also facilitating innovation and creativity.*
- *To spatially develop a cohesive and diverse community with a strong identity and environmental integrity.*
- *To contribute to the economic growth of the County through the development of a vibrant economic community anchored around the Town Centre.*
- *To provide a safe and friendly environment where people can live, work and play within an envelope of sustainable, integrated transport with a primacy of soft modes of transport throughout.*

4.2.4. The main principles guiding the future development of Cherrywood are:

- *To promote the growth of Cherrywood which enhances and supports balanced sustainable growth in the Greater Dublin Region and does not undermine the vitality and viability of other areas in the County and the Region.*
- *To create the framework for the development of a sustainable town and three villages with a supporting range of uses for the resident, working and visiting population.*
- *To link the area to its immediate hinterland and adjoining communities by restoring connectivity that has been severed by major roads.*
- *To work with the landscape by designing a form that is specific to Cherrywood, with a network of places each responding to its setting, landscape and climate.*
- *To balance the employment, commercial and retail base of Cherrywood with the future residential growth of the Plan Area.*

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

4.2.5. The amendment to reduce parking requirements for non residential development, including the specific standards in the scheme for employment and retail use and the amendment to provide cycle parking in excess of the minimum DLR standards across residential, employment and retail use, will all contribute to the provision of a safe and friendly environment of sustainable transport that prioritises active or soft travel, promotes pedestrian and cycle movement, promotes sustainable growth and vibrancy.

4.2.6. I am satisfied that the amendment would not constitute a change in the overall objectives of the planning scheme.

4.2.7. **Criterion (ii)**

4.2.8. I note the commentary provided within other Inspector’s reports relating to amendments to the Cherrywood scheme, wherein the view is taken that this criterion may be prompted in a case where the proposed change to the planning scheme would impact on lands that have already been developed in a manner that would not previously have been expected and where permanent development has been undertaken that would require substantial redevelopment in order to comply with the revised scheme. Furthermore the commentary refers to the fact that the subsection relates to ‘already developed lands’ and so ‘completion’ is the relevant test.

4.2.9. The proposed amendments would inform the assessment of future planning applications in Cherrywood and would influence proposals for future development. It would also address possible repurposing of existing car parking space where they become redundant in the future. The AECOM study states that currently, based on planning application information, there are six developments operational within Cherrywood SDZ with a total of 1578 car parking spaces built and 474 bicycle spaces provided.

4.2.10. The built car parking spaces are as follows:

Partially complete development (F block site – F3 not complete)	339 basement car park
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DZ17A/0417, DZ18A/1104	
Primary school	20
Carrickmines park and ride DZ19A/0683, condition 3 states that when the use ceases the lands are to be reinstated to their pre development state.	352 temporary built
HIE temporary car park, DA6 Brides Glen DZ17A/0417, DZ22A/0728 – condition 2 states that when permission has expired, the car park use shall cease and the development decommissioned.	740 temporary built
Public park DA8 Tully	52
Public park, DA 7 Ticknick Park DZ20A/0478 – condition 3 states that on expiration of the permission, the car park use shall be discontinued and decommissioned.	75 temporary built

- 4.2.11. With regard to 20 spaces at the primary school and the 52 spaces at Tully park, the amendments would not require any significant alteration to the existing development in order to comply with the revised scheme.
- 4.2.12. With regard to the 339 basement car parking spaces in the F office blocks, it is noted that this development is still under construction and therefore not completed.
- 4.2.13. With regard to the 740 temporary built HIE spaces at Brides Glen, I note that the permitted development is for temporary car park which is to cease and be decommissioned. Therefore this car park is a temporary use only and as the use is not a permanent long term use, I do not consider it be a category of 'already

developed land'. In addition, I also note that the existing and proposed policy is ultimately the same, in that the temporary spaces are to be removed in both scenarios, with the proposed amendment allowing for the temporary spaces to be repurposed. Under the existing 'park and ride' section of the scheme, reference is made to the temporary surface car park also providing a Luas park and ride function, which was considered acceptable in a temporary capacity and that any long term facility would be dependent on NTA Strategy. This section is to be omitted. Again, considering that the Luas park and ride function of the car park is temporary only, I again consider that it is not 'already developed' land.

4.2.14. With regard to the 352 temporary park and ride spaces at Carrickmines, this is a temporary use only and is not 'already developed land'. The existing policy is for the temporary surface car park to be replaced by a multi storey park and ride as the area is developed. The proposed amendment is for the omission of the policy. In this regard, I consider that in both scenarios, no surface park and ride is to be provided on the site and the policy aligns.

4.2.15. The 75 spaces at Ticknick park are temporary spaces and this is not 'already developed land'.

4.2.16. Regarding the existing cycle facilities, I do not consider that the proposed amendment would necessitate significant alterations.

4.2.17. Having regard to the above, I consider that no permanent development has been undertaken that would require significant alteration in order to comply with the revised scheme. I am satisfied that the proposed amendment does not relate in any significant way to land already developed in the planning scheme. I have taken the view that temporary spaces are temporary only and as such do not fall under the category of 'already developed land'.

4.2.18. **Criterion (iii)**

4.2.19. The amendment would not significantly increase or decrease floor areas and would have no impact on density.

4.2.20. **Criterion (iv)**

4.2.21. The proposed amendments which aim to support and encourage a modal shift away from private car use to active travel modes generally brings positive benefits to improving the attractiveness of Cherrywood as a place to live and work and enhances the sustainability of the scheme. I note that the proposed amendments are supported by the National Transport Authority and Transport Infrastructure Ireland.

4.2.22. I am satisfied that the amendment would not adversely affect or diminish the amenity of the area.

4.3. **Section 170A(4)(b) materiality**

4.3.1. As noted above, the test for materiality is not restricted to the criteria set out in subsection 3(b) and it remains to be established whether the proposed amendment would be a material change to the Cherrywood Planning Scheme.

4.3.2. Whilst no definition of materiality is set out in the planning legislation, I note that some assistance towards a working definition is provided in 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 Bogan* 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.

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

4.3.4. It is necessary to compare the existing and proposed standards. This is as follows:

	Current Cherrywood Planning Scheme	Proposed amendment
High intensity employment	1 per 100sqm (office)	1 per 140sqm (office) 1 per 280sqm (industry)
Retail food	1 per 20sqm	1 per 35sqm
Retail comparison/shopping centres and stores or Retail non food	1 per 50sqm	1 per 85sqm

4.3.5. The revisions downwards (square meters per space) are relatively sizeable and I do not consider that these changes in themselves are ‘minor’. It is necessary to compare the number of spaces generated under the current and proposed scenarios.

4.3.6. Table 2.2 of the Scheme sets out the overall development quantum range. The table states that a maximum overall total of 350,000sqm of high intensity employment space is to be permitted in the scheme area. Table 4.5 sets out the parking standards for high intensity employment. On site parking will be permitted at a rate of 1 space to 100sqm gfa (which was the standard of the CDP2010 for offices along public transport routes). Table 4.5 applies this 1 per 100sqm HIE floorspace standard to the proposed 285,000sqm new floorspace (350,000sqm targeted minus 65,000sqm existing) and there is a requirement for 2850 new on site carparking spaces. Applying the proposed amended standard of 1 space per 140sqm HIE floorspace, there would be a requirement for 2036 new spaces. This is a reduction in 814 spaces or 29% decrease. This is a significant decrease.

4.3.7. Section 5.4.2 of the AECOM report provides details on land uses in zones that are committed development up to 2028. This includes 60,733sqm of HIE floorspace. Comparing the existing and proposed standards, the current standard would require

607 spaces and the proposed standard would require 434 spaces which is a 28.5% decrease. This is a significant decrease.

- 4.3.8. Table 2.3 of the Scheme sets out the targeted development ranges for town and village centres in the scheme. A maximum gross retail floor space of 53,034sqm will be permitted within Cherrywood town centre, Tully, Lehaunstown and Priorsland. Cherrywood's take is 40,909sqm gfa. Table 6.2.1 splits the Cherrywood allocation into 6,060sqm convenience, 26,667sqm comparison and 8,182sqm retail services. Comparing the existing and proposed amended standards for retail food, the current standard would require 303 spaces and the proposed standard would require 173 spaces which is a 43% decrease. This is a significant decrease. Comparing the existing and proposed standards for comparison non food, the current standard would require 533 spaces and the proposed standard would require 314 spaces which is a 41% decrease. This is a significant decrease.
- 4.3.9. Section 5.4.2 of the AECOM technical report states that 41,590sqm is committed development up to 2028 however the breakdown of convenience to comparison is not provided.
- 4.3.10. In addition to the number of on site spaces generated by floor area development, the scheme includes a policy for off site spaces in the form of a 1800 multi storey carpark and 1200 space temporary surface car park (to be reduced to zero spaces upon completion of the scheme). It is proposed to omit the objective for both of these carparks and whilst the amendment would allow for the existing temporary spaces to be re-allocated for permanent spaces/ re-purposed in line with the new standards, the amendment results in a further overall reduction of 1800 spaces within the scheme. This is a significant number of spaces, representing 31% of the total 5750 HIE spaces planned under the current scheme.
- 4.3.11. The proposed amendment results in the omission of the entire section relating to park and ride facilities. The current policy is for a temporary surface car park at Carrickmines which is to be replaced by a permanent multi storey carpark and for a temporary car park at Brides Glen with any long term provision of a park and ride close to the town centre dependent on the proposal according with NTA Strategic Transport Plan for the GDA. The AECOM report sets out background information in relation to park and ride policy and states that the NTA are currently advising caution

should be exercised in the planning of park and ride facilities in locations such as Cherrywood. As existing park and ride car parks are used by commuters across a wide catchment, I consider the proposal to omit the current policy in relation to park and ride facilities to be a significant policy change with material transport implications for users.

- 4.3.12. In relation to all other non residential car parking standards, I note that the current scheme as approved with amendment 9 states the following under section 4.2.10 Car Parking Standards: *“It is not considered necessary for the purpose of this Planning Scheme to detail requirements for all land use types within Cherrywood. Those not detailed below are considered to be covered by the relevant policies and objectives in the current Dun Laoghaire – Rathdown County Development Plan for areas near public transport”*. Therefore the standards for all other non residential car parking, with the exception of the specific standards in the planning scheme for employment, retail, schools and park and ride, defer to the CDP (which was adopted as per statutory requirements). These other standards therefore do not require further consideration.
- 4.3.13. I note that the amendment introduces a new category of employment use – ‘industry’ which was previously not specifically included in the scheme. Therefore to date, this use was covered by the CDP standards. I note the current CDP requires car parking of 1 space per 100sqm in zone 3 or in zone 2 the standard is 1 space per 200 sqm for general industry or 1 per 150sqm for science based industry. The proposed amendment introduces a new standard for the Cherrywood area of 1 space per 280sqm gross floor area. This is considered to be a significant departure from the current CDP standard.
- 4.3.14. I note that in relation to schools, there is no material change to the existing standard.
- 4.3.15. In relation to the introduction of the new wording to allow for re-allocation of existing spaces or repurposing of employment spaces, the provision of retail parking within the built form and the allowance for provision in excess or below the table 4.5 and 4.6 standards where supported by evidence and monitoring, I consider that these are measures which support the application of the new quantitative standards.
- 4.3.16. In relation to bicycle and motorcycle parking standards, both the current and proposed policy state that facilities should be in accordance with DLRCC cycle

parking standards 'Standards for Cycle Parking and associated Cycling Facilities for New Developments'. The existing scheme refers to the 2010 standards and it is proposed to amend this so that it refers to the 2018 standards. I note that the current CDP (which was adopted as per the statutory requirements) states that cycle parking and facilities shall be in accordance with the Council's Cycling Policy Guidelines and Standards. I do not consider that the amendment to update the reference to the 2018 standard is a material change to the scheme. The proposed amendment also requires that cycle parking provision for residential, employment and retail uses shall exceed the minimum requirements and that this is to be determined on a case by case basis. There is no definitive measure provided by which the minimum standards should be exceeded and I do not consider that this is a significant policy change.

4.4. Conclusion on Materiality

- 4.4.1. Having regard to the above I conclude that the proposed amendments would result in the significant reduction in car parking provision for the non residential uses specifically covered in the Planning Scheme, notably employment, retail and park and ride uses. I consider that this will materially impact on the parking and transportation options for residents, workers, customers, visitors and commuters. Whilst I acknowledge that the broad move to discourage parking and to encourage sustainable active travel has many positive environmental benefits, I am of the opinion that the proposed amendments to the Cherrywood Planning Scheme are in themselves (whether or not they are positive or otherwise) are material and are not minor in nature.
- 4.4.2. Accordingly, the proposed amendment would prompt the need for a public consultation under section 170A(7) of the Act.

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

- 5.1. 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).

- 5.2. The Cherrywood SDZ planning scheme was the subject of SEA and screening for AA.
- 5.3. Under the proposed amendment, there would be no change in projected resident population or floorspace allocations for development type uses such as residential, employment, commercial, retail etc. The amendment would result in reduced use of cars for travel and increased use of public transport, walking and cycling, affecting residents, workers, customers, visitors and commuters.
- 5.4. **Likely significant effect on the environment**
- 5.5. Dun Laoghaire Rathdown County Council have submitted a report to inform the screening for Strategic Environmental Assessment. The report is prepared by Fehily Timoney. The report concludes that the proposed amendment does not have potential to generate likely, significant environmental effects.
- 5.6. In deciding whether a particular plan is likely to have a significant environmental effect, regard must be had to the criteria set out in Annex II of the SEA Directive which is reproduced in schedule 2A of Planning and Development Regulations 2004 (as amended) which is the criteria for determining whether a plan is likely to have significant effect on the environment.
- 5.7. I have reviewed the proposed amendment under '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 (as amended) and note the evaluation set out in the submitted report.
- 5.8. I agree with the conclusion of the report which states that the proposed development does not have the potential to generate likely significant environmental effects, based on the following reasons:
- The proposed amendment does not introduce additional sources of environmental impacts not already considered under the SEA and AA screening for the Cherrywood SDZ planning scheme.
 - The proposed development does not provide for a development type that has not already been considered in the SEA and AA screening for the Cherrywood SDZ planning scheme.

- The proposed amendment has the potential to generate positive environmental effects through the promotion of sustainable transportation and travel and accords with and directly supports existing policy objective PI21 and strategic environmental objective EOC1 defined for the Cherrywood SDZ planning scheme.
- The proposed amendment does not conflict with any objectives of policies in higher order or interrelated plans.

A strategic environmental assessment for the proposed amendment is not required.

Likely significant effect on a European site

- 5.9. Dun Laoghaire Rathdown County Council have submitted a report to inform the screening for Appropriate Assessment. The report is prepared by Fehily Timoney. The report concludes that the proposed amendment, individually or in combination with other plans and projects, is not likely to have a significant effect on European sites and that Stage 2 Appropriate Assessment is not required.
- 5.10. I have considered the proposed amendment in light of the requirements of S177U of the Planning and Development Act as amended. The subject site is not located within or adjacent to any European site. The closest European sites are the Rockabill to Dalkey Island Special Area of Conservation which is located c. 3.1km to the east and Dalkey Islands Special Protection Area which is located c 4 km to the northeast.
- 5.11. Having regard to the nature, scale and location of the proposed amendment, I am satisfied that it can be eliminated from further assessment because it could not have an appreciable effect on a European site. The reason for this conclusion is as follows:
- The nature of the proposed amendment which is for a revision to the existing parking /cycle standards and which promotes a modal shift away from car use. This has potential positive environmental impacts, promoting the reduction in harmful air emissions. The amendment does not introduce impacts of magnitude that could affect the qualifying interests of any European site.
 - There would not be habitat destruction or fragmentation or disturbance of species resulting from the proposed amendment.

- The lack of significant pathways to a European site,

5.12. I consider that the proposed amendment would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site and appropriate assessment is therefore not required.

6.0 **Conclusion**

6.1. I have reached the following conclusions concerning proposed amendment no.10 to Cherrywood Planning Scheme 2014 (as amended):

- This amendment would satisfy the criteria set out in section 170A(3)(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.

6.2. The planning authority should 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) and (9).

7.0 **Recommendation**

7.1. That, with respect to Proposed Amendment no. 10 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) and (9) of the Planning and Development Act 2000 (as amended).

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 and inappropriate way.

Aisling Mac Namara

Planning Inspector

17th June 2025