



An
Bord
Pleanála

Inspector's Report ZE06S.ZE0004

Development	Four amendments to the Adamstown SDZ Planning Scheme 2014: The alignment of the Planning Scheme with National Government policy relating to house and apartment sizes.
Location	Adamstown, Co. Dublin.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	n/a
Applicant(s)	South Dublin County Council
Type of Application	Amendment of SDZ Planning Scheme
Planning Authority Decision	n/a
Inspector	Ciara Kellett

1.0 Introduction

- 1.1. On July 1st 2001, the government ordered the designation of 223.5Ha of privately owned land at Adamstown, as a site for the establishment of a Strategic Development Zone (SDZ), for the purpose of delivering residential development and associated infrastructure and facilities.
- 1.2. Subsequently, South Dublin County Council, as the designated development agency for the SDZ, prepared a Planning Scheme for the lands in 2002. This Scheme was approved by An Bord Pleanála, on appeal, in September 2003.
- 1.3. To date, approximately 30Ha of the SDZ lands have been developed in Adamstown. Development commenced in 2004 and to date, the applicant states that the Adamstown model has delivered approximately 1,450 homes and significant supporting infrastructure and services, including a railway station, 2 primary schools, a post primary school, crèche, neighbourhood park, local retail services, water and sewerage infrastructure and internal strategic roads, and upgrades to the adjoining road network.
- 1.4. In 2013, having regard to the challenges presented by the economic crisis and the collapse of the residential market, the Council initiated a statutory process to amend the 2003 Planning Scheme. The amended Planning Scheme was approved by An Bord Pleanála, on appeal, in December 2014, herein known as the Planning Scheme.
- 1.5. South Dublin County Council are proposing amendments to the Planning Scheme which relate to the alignment of the Planning Scheme with National Government policy in respect of house and apartment sizes and private and semi-private amenity space.
- 1.6. Under Section 170A sub-section (1) of the Planning and Development Act, 2000 (as amended), South Dublin County Council has now submitted an application to the Board (ABP Ref. ZE06S.ZE0004) to amend the approved Planning Scheme. This application comprises the following documents:
 - A cover letter dated 26th May 2017,
 - The proposed amendments numbered 1 – 4,

- A report to inform SEA screening, and
- A report to inform AA screening.

2.0 The Proposal

- 2.1. The proposed amendments relate to the alignment of the Planning Scheme with National Government policy in respect of house and apartment sizes and amenity space. Since the approval of the Planning Scheme in 2014, the Department of Environment, Community and Local Government has published “Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities, 2015”, and the subsequent circulars PL11/2016 and APH 5/2016. Specific Planning Policy Requirements (SPPR’s) contained in these Guidelines supersede the approved Planning Scheme. The application of the policy standards in these Guidelines result in inconsistencies within the approved Planning Scheme, which require clarification and amendment.
- 2.2. The proposed amendments also relate to minimum house size, in accordance with the Department of Environment, Community and Local Government’s “Quality Housing for Sustainable Communities – Design Guidelines, 2007”. The introduction to the amendments submitted by the applicant states that “*The minimum floor areas for houses in the Planning Scheme currently align with only the upper limit of the floor area range provided for within the Guidelines. It is proposed to align the floor areas with all ranges within the Guidelines (not just the maximum as currently proposed)...*”. The actual amendments are detailed below.
- 2.3. **Proposed amendment 1** entails the replacement of the reference to the South Dublin County Development Plan 2010 – 2016, with reference to the most recent Development Plan **2016 – 2022**, in Section 1.6.6 of the Planning Scheme (pg.4). Similarly, it is proposed to replace the reference to “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, 2007” in Section 1.6.9 of the Planning Scheme (pg.4) with “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities **2015**” (changes proposed underlined and in **bold**).

Figure 1.5 (pg.6) of the Planning Scheme refers to the above mentioned documents.

Figure 1.5 is titled: *GUIDANCE, STRATEGY AND POLICY DOCUMENTS REFERENCED DURING REVIEW PROCESS.*

References to “Local” and “Guidelines” in Figure 1.5 will now read (changes proposed underlined and in **bold**):

LOCAL	South Dublin County Development Plan, <u>2016-2022</u> ; South Dublin County Heritage Plan, 2010-2015; South Dublin County Council Disability Act Implementation Plan, 2008- 2010; South Dublin County Council Litter Management Plan, 2011-2014; Adamstown Street Design Guide (ASDG), 2011.
Guidelines	Sustainable Residential Development in Urban Areas, 2009; Urban Design Manual -A Best Practice Guide, Part’s 1 & 2, 2009; Sustainable Urban Housing, Design Standards for New Apartments, <u>2015</u> ; Delivering Homes Sustaining Communities 2007; Quality Housing for Sustainable Communities - Best Practice Guidelines, 2007; Design Manual for Urban Roads and Streets, 2013; Retail Planning Guidelines, 2012; Retail Design Manual, 2012; Childcare Facilities Guidelines, 2001; Provision of Schools and the Planning System, 2008; The Planning System and Flood Risk Management, 2009; Architectural Heritage Protection Guidelines, 2011; Landscape & Landscape Assessment, 2000; Framework and Principles for the Protection of Archaeological Heritage, 1999; Green City Guidelines – Advice for the protection and enhancement of biodiversity in medium to high-density urban developments, 2008; Guidelines for Designing out Anti-Social Behaviour, 2007

2.4. **Proposed amendment 2** would entail the replacement of text in Section 2.3(xi), Dwelling Size (pg.22) which currently reads:

2.3 (xi) Dwelling Size

2.3.47 The Department of the Environment, Heritage and Local Government guidance documents, Quality Housing for Sustainable Communities Guidelines, 2007 and The Sustainable Urban Housing: Design Standards for New Apartments, 2007 set out space standards for new dwellings. Table 2.10 sets out minimum required dwelling unit sizes for Adamstown that reflect the standards set out in these Guidelines. Development should also comply with

the space provision and room size standards set out in these Guidelines for living rooms, bedroom and storage areas.

With:

2.3 (xi) Dwelling Size

2.3.47 The design and layout of individual dwellings should provide a high quality living environment for residents. Designers should have regard to the targets and standards set out in the Quality Housing for Sustainable Communities Guidelines, DECLG (2007) and the Sustainable Urban Housing: Design Standards for New Apartments, DECLG (2015) with regard to minimum room sizes, dimensions and overall floor areas when designing residential accommodation. All houses must be required to accord with or exceed the minimum floor area standards, as set out in these documents, or any superseding standards.

It is proposed to replace Table 2.10 (pg.23) in the Planning Scheme which currently reads:

Table 2.10 Minimum Required Dwelling Unit Size		
Unit Type	Apartments* (Square metres)	Houses (Square metres)
One Bedroom	45	50
Two Bedroom	73	80
Three Bedroom	94	110
Four Bedroom	105	120
Five or more bedrooms	120	125

With:

Table 2.10 Minimum Required Dwelling Unit Size		
Unit Type	Apartments* (Square metres)	Houses (Square metres)
Studio Apartment	40	

One Bedroom	45	50
Two Bedroom	73	80
Three Bedroom	90	92
Four Bedroom or more	105	110

2.5. **Proposed amendment 3** would entail the insertion of text in Section 2.3(xii), Dwelling Type (pg.23) (inserted text underlined and highlighted in **bold**).

2.3.49 When variable building floorspace, dwelling yield, building type/height and minimum dwelling size standards are combined, it is possible to provide a full range of dwelling types in response to market demand. This may range from five-bedroom detached bungalows in a lower density development area to one-bedroom apartments in a five-storey block in a higher density area. Individual dwelling units should be capable of adaption to meet the changing needs of residents during the course of their lifetime based on the guidance set out in the guidelines Quality Housing for Sustainable Communities Guidelines, (DoEHLG, 2007), **or any superseding document**. In so far as practicable, the design should provide for flexibility in use of spaces, ease of access and circulation for all residents and adaptability.

2.6. **Proposed amendment 4** would entail the insertion of text to Section 2.3(xiii), Private Amenity Space (pg.24) (inserted text underlined and highlighted in **bold**).

2.3.52 Having regard to Department of Environment, **Community** and Local Government guidelines that address minimum private open space standards for new housing, namely the Sustainable Urban Housing: Design Standards for New Apartments (**DECLG, 2015**) and Quality Housing for Sustainable Communities Guidelines, (DoEHLG, 2007), **or any superseding document**, the minimum required private and semi-private amenity space standards for dwellings in Adamstown are detailed in Table 2.11.

It is proposed to replace Table 2.11 Minimum Required Amenity Space (pg.23) which currently reads:

Table 2.11: Minimum Required Private Amenity Space			
Unit Type	Apartments* (square metres)		Houses (square metres)
	Private Amenity Space	Semi-Private Amenity Space	
One bedroom	5	5	48
Two bedroom	7.5	7.5	50
Three bedroom	10	10	60
Four bedroom	12.5	12.5	70
Five or more bedrooms	15	15	75

With :

Table 2.11: Minimum Required Private Amenity Space			
Unit Type	Apartments* (square metres)		Houses (square metres)
	Private Amenity Space	Semi-Private Amenity Space	
Studio	4	4	
One bedroom	5	5	48
Two bedroom	7	7	55
Three bedroom	9	9	60
Four bedroom or more	12.5	12.5	70

3.0 Statutory Provisions

- 3.1. The process whereby amendments to a planning scheme for an SDZ can be made is set out in Section 170A of the Planning and Development Act, 2000, as amended.
- 3.2. A summary of the statutory provisions is provided below.

- 3.3. Under sub-section (1) of this Section, a planning authority may make an application to the Board to amend a planning scheme. Under sub-section (2), the Board shall make a decision as to whether or not the proposed amendment constitutes a material change to the planning scheme.
- 3.4. Under sub-section (3)(a)¹ where the amendment fails to satisfy the criteria of sub-section (3)(b)², the Board shall require the planning authority to amend the planning scheme in compliance with section 169.
- 3.5. The criteria detailed in sub-section (3)(b) include that the amendment, (i) would not constitute a change in the overall objectives of the planning scheme, (ii) would not relate to already developed land, (iii) would not significantly increase or decrease the overall floor area or density, (iv) would not adversely affect or diminish the amenity of the area.
- 3.6. If such an amendment would lead to changes that would only be minor in nature, then, provided there is no need for SEA or AA, the Board may, under sub-section (4)(a), approve this amendment to the planning scheme.
- 3.7. If the proposed amendment would constitute a material change to the planning scheme, then sub-section (4)(b) becomes pivotal. Before the Board approves such an amendment, or an alternative amendment of no greater significance, the provisions of the following sub-sections shall be complied with.
- Under sub-section (5), the Board shall screen the proposed amendment, or its alternative, for SEA and AA. If SEA and/or AA are required, then under sub-section (6)(b) the planning authority shall be required to undertake preparation of the same.
 - Under sub-section (7), the planning authority shall be required to undertake a notification and consultation exercise as set out in this sub-section. Thereafter, under sub-section (8), the planning authority shall prepare a report on the submissions and observations received as a consequence of this exercise. The said report shall be prepared in accordance with the provisions set out in sub-section (9) and the Board shall subsequently, under sub-section (10), have regard to this report.

¹ This sub-section was the subject of an amendment under Section 5 of The Courts Act 2016

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

- Under sub-section (4)(b) itself, the Board shall determine whether or not the proposed amendment would come within the criteria set out in sub-section (3)(b). If it would do so, then the Board may approve this amendment or its alternative. If it would not do so, then under sub-section (3)(a), the planning authority shall be required to amend the planning scheme in accordance with the procedures set out in Section 169 for the making of a planning scheme.

3.8. Under sub-section (11), subject to any SEA and/or AA obligations, if the Board has determined to make the proposed amendment or its alternative, under sub-section (4), then the planning scheme shall be so amended and the planning authority notified accordingly. If sub-section (7) was activated, then all those who made submissions or observations shall likewise be notified.

4.0 **Assessment**

I have assessed each amendment proposed below, however, I draw the Board's attention to the introduction to the amendments as submitted by the applicant, and as detailed in Section 2.2 above of this Report. There are a number of references in the document, and the accompanying cover letter, referring to maximum floor areas and upper limits of floor areas provided for within the Guidelines. The wording is unclear, as there are no upper limits or maximum floor areas specified in any Guidelines, only minimum dwelling floor areas. There are references to overall maximum floor areas within the Planning Scheme for each Development Area. Notwithstanding this, I have assessed the amendments as detailed by the applicant below.

4.1. **Materiality of changes proposed**

- 4.1.1. Having regard to the procedures to be followed as specified in Section 3 above, the first test to be considered is: **Would the proposed amendments make a material change to the Adamstown Planning Scheme 2014?**
- 4.1.2. The Planning Authority has made an application to amend the Adamstown Planning Scheme under Section 170A sub-section (1) of the Act. Under sub-section (2), the question arises as to whether or not the proposed amendments would make a

material change to this Planning Scheme. In seeking to address this question, I will first consider these amendments themselves.

4.1.3. The proposed amendments can be sub-divided into two groups, albeit all four are interdependent. The first group comprises Amendment no.1 and no.3, which relate to the wording of the text in sections of the Planning Scheme. The second group comprises Amendment no.2 and no.4, which refer to changes to the minimum sizes of dwellings and amenity space, as specified within the Planning Scheme as well as text changes, to align with the 2015 Guidelines.

4.1.4. I will address each group separately and make a recommendation on the materiality of the proposal following consideration of the amendments.

- **Amendment no.1 and no.3**

4.1.5. Amendment no.1 and no.3 propose to amend the wording of the Planning Scheme with respect to references to the most recent publications of the County Development Plan and the Sustainable Urban Housing: Design Standards for New Apartments, 2015. The Planning Scheme referenced the South Dublin County Development Plan 2010 – 2016 throughout the document, as it was the current Development Plan when the Planning Scheme was adopted. Similarly, the Sustainable Urban Housing: Design Standards for New Apartments, 2007 was the current guideline at that time.

4.1.6. The Departmental Circular FPS1/2016 which accompanied the Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities, 2015 delineates, in an Appendix, the Special Planning Policy Requirements (SPPRs) that emanate from these Guidelines. Under Section 28(1C) of the Act, SPPRs are required to be applied by planning authorities and the Board in the performance of their functions. Thus, South Dublin County Council has incorporated the said SPPRs into its latest County Development Plan for 2016 – 2022, and in updating the reference to the 2015 publication of Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities is, in proposing Amendments no.1 and no.3 for the Planning Scheme, acting in accordance with Section 28(1C).

- **Amendments no.2 and no.4**

4.1.7. Amendments no.2 and no.4 propose changes to the minimum required dwelling unit sizes and amenity space, as well as changes to some accompanying text. I will address the changes to the minimum dwelling sizes in the first instance, followed by the text, and finally the changes to the amenity spaces.

- **Amendment no.2 minimum dwelling size**

4.1.8. The actual changes to apartment sizes proposed relate to: the incorporation of studio apartments; the reduction in minimum floor areas of three-bedroomed apartments from 94sq.m to 90sq.m; the addition of text with respect to four-bedroom apartments to read as 'four-bedroom or more'; and, the removal of reference to 'five-bedrooms or more'. With respect to changes to minimum house sizes, the changes proposed relate to: change to minimum floor area of three-bedroom houses from 110sq.m to 92sq.m; reduction in minimum floor area of four-bedroom houses from 120sq.m to 110sq.m; and the addition of text with respect to four-bedroom houses to read as 'four bedroom or more'; and, the removal of reference to 'five bedrooms or more'.

4.1.9. The Report which was submitted by the applicant provides a detailed impact analysis of the proposed dwelling size changes on the Planning Scheme. A table is provided for illustrative purposes, to outline how the applicant has determined that the application of the national guidelines would not materially alter the minimum or maximum requirements in dwelling numbers, density or overall extent of residential development as set out in the 2014 Planning Scheme. An appendix to the Report illustrates the development ranges for all Development Areas.

4.1.10. The Report refers to the fact that the Adamstown Masterplan was based on a comprehensive urban design model that analysed densities, building typology, and block structure, using an average dwelling size. Within the Planning Scheme itself, development ranges, by Development Area, are clearly set out for the minimum and maximum dwelling unit numbers, the minimum and maximum density ranges and the minimum and maximum total extent of residential development by square metre applicable across the SDZ lands. It notes that during the modelling design process, an average unit size was established per Development Area, which informed the block structure, typology and unit number for each area.

- 4.1.11. The Report notes that amending the average unit size enabled an analysis to be carried out, to ensure that the implementation of the national guidelines did not result in the overall minimum and maximum ranges being increased or decreased outside the provisions of the Planning Scheme.
- 4.1.12. The example provided in detail by the applicant refers to the Development Area 'Somerton'. A table is provided which illustrates the maximum and minimum area and the maximum and minimum number of dwelling units as described in the 2014 Planning Scheme. The example provides an average unit size for the area and then applies a 10% "stress test" reduction. The example illustrates that even reducing the size of the units in line with the new guidelines results in the number of dwellings falling within the range already specified in the 2014 Scheme³.
- 4.1.13. A similar analysis is provided by the applicant for all the areas within Adamstown and in all cases, the number of dwelling units fall within the permitted ranges of the Planning Scheme.
- 4.1.14. I note that any potential change in population numbers is not specifically addressed by the applicant. However, I accept that because the amendment falls within the range of units already provided for in the 2014 Planning Scheme, it can be concluded that any potential increase in population will be catered for in terms of amenities.
- 4.1.15. Having regard to the fact that a wide range of dwelling numbers as well as residential development area was provided in the first instance, I concur with the findings of the applicant with respect to the changes falling within the range provided for in the scheme.

³ A copy of the table is included as an appendix to this Report for the Board's convenience

- **Amendment no.2 text**

4.1.16. It is proposed to replace text of section 2.3.47 (see Section 2 above for detail). This text refers to the design and layout of individual dwellings and directs designers to have regard to the national guidelines. I recommend that a minor amendment to the text is made as follows (previous wording is now shown with a strikethrough and replacement wording highlighted):

Section 2.3.47

*The design and layout of individual dwellings should provide a high quality living environment for residents. Designers should have regard to the targets and standards set out in the Quality Housing for Sustainable Communities Guidelines, DECLG (2007) and the Sustainable Urban Housing: Design Standards for New Apartments, DECLG (2015) with regard to minimum room sizes, dimensions and overall floor areas when designing residential accommodation. All ~~houses~~ **dwellings** must be required to accord with or exceed the minimum floor area standards, as set out in these documents, or any superseding standards.*

- **Amendment no.4**

4.1.17. This amendment proposes changes to table 2.11 which outlines Minimum Required Private Amenity Space. The table is included in Section 2 above. Amendments proposed include: Studio Apartment amenity space has been included; reduction in private and semi-private space for two-bedroom apartments is reduced from 7.5sq.m to 7sq.m, and for two-bedroom houses increased from 50sq.m to 55sq.m; three-bedroom apartments reduced from 10sq.m to 9sq.m and three-bedroom houses from 70sq.m to 60sq.m; text added to refer to 'four bedrooms or more'; and, reference to 'five or more bedrooms' removed.

4.1.18. The rationale for this change is noted as being for compliance with minimum standards in Quality Housing for Sustainable Communities Guidelines, DECLG (2007) and the Sustainable Urban Housing: Design Standards for New Apartments, DECLG (2015). It is noted that there is no national standard for four bedrooms or more, therefore the standards outlined in the Planning Scheme for four bedrooms will remain unchanged

4.2. Conclusion with respect to materiality

- 4.2.1. I am satisfied that Amendments no.1 and no.3 are minor in nature and would not lead to a material change in the Planning Scheme approved by the Board, subject to demonstrating that Amendments no.2 and 4, do not materially affect the Planning Scheme.
- 4.2.2. The applicant has satisfactorily demonstrated that the Amendments no.2 and no.4, in respect of dwelling size and amenity size, will not materially affect the numbers of dwellings, nor the overall total development area provided for in the 2014 Planning Scheme, having regard to the range expressed in that scheme.
- 4.2.3. In conclusion, having regard to the affect that the changes will have on the overall scheme, I am satisfied that these changes are minor in nature and would not lead to a material change in the Planning Scheme approved by the Board.

4.3. Compliance with Section 170A(3)(b) criteria

- 4.3.1. Sub-section (3)(a) states that where the amendments of the scheme fail to satisfy the criteria (i) to (iv) in sub-section (3)(b), the Board shall require the planning authority to amend the scheme in compliance with section 169.
- 4.3.2. I note that sub-section (4)(a) does not refer to changes being required to satisfy sub-section(3)(b), however, for the avoidance of doubt, I now consider whether the proposed amendments fail to satisfy each of the criteria as stated in sub-section (3)(b)(i) to (iv).
- **Sub-section (3)(b)(i)**
- 4.3.3. Sub-section (3)(b)(i) refers to whether or not the proposed amendments constitute a change in the overall objectives of the Planning Scheme.
- 4.3.4. The applicant states that section 2.3 “Overall Design of Development” of the Planning Scheme, details the guiding principles of planning and design in which Adamstown is based on, and to which all planning applications are subject to comply with. The key themes of the Planning Scheme relate to urban design, land use, housing, transportation, ecology and landscape. The most relevant theme pertaining to the proposed amendments relate to housing where the objective is “*to facilitate a mix of house types, sizes and tenure options that allow all sections of society to*

remain part of the community throughout the life cycle i.e. from the cradle to the grave”.

4.3.5. I am satisfied that the proposed amendments do not constitute a change in the overall objectives of the Planning Scheme. The proposed amendments would not prohibit the scheme from providing a range of house types and sizes within the overall lands and therefore, would not compromise the overall objectives of the Planning Scheme.

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

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

4.3.7. The applicant states that almost 30Ha of the SDZ lands have been developed, with approximately 125Ha remaining. The proposed amendments would be applicable to future planning applications only.

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

- **Sub-section (3)(b)(iii)**

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

4.3.10. The applicant states that the Adamstown Masterplan was based on a comprehensive urban design model. To ensure consistency in approach and delivery, a minimum and maximum range was applied to dwelling units, density and extent of development for each Development Area.

4.3.11. The 2014 Planning Scheme sets out the minimum and maximum extent of development. The total residential floor area ranges from 765,000sq.m to 970,000sq.m, the total number of dwelling units range from 7,010 to 8,905, and the overall density ranges from 47 to 56 units per hectare.

4.3.12. The applicant states that the proposed amendments, which relate to dwelling unit floor areas, would result in no change to the minimum-maximum ranges for floor area, density and dwelling units in the 2014 Scheme.

4.3.13. The applicant provided a detailed impact analysis for each area including a “stress test” for a reduction in the overall average unit size of 10%. I am satisfied that the proposed amendments would not result in any changes to the minimum and maximum number of dwelling units, overall floor area or density of the development.

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

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

4.3.15. The applicant states that the masterplan for the area is based on a traditional town layout. The amendments allow for flexibility within the housing mix but would not compromise the block or street structure. The amendments would not compromise the delivery of any planned amenities. It is stated that the layout, location, and quantum of parks, open spaces and other social infrastructure would remain unchanged.

4.3.16. The proposed amendments with respect to dwelling sizes could be deemed to result in a larger population and therefore, indirectly affect the amenities. However, having regard to the fact that there is no plan to alter the overall minimum and maximum number of units, and the fact that the Planning Scheme provided for this range of units, it is considered that the amenities will not be adversely affected.

4.3.17. I note that Amendment no.4 refers to private amenity space. The changes proposed relate to a reduction by 0.5sq.m for two bedroom apartments and 1sq.m for three bedroom apartments. This is not addressed by the applicant, but I consider that the changes proposed are in accordance with the amenity spaces outlined in the national guidelines.

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

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

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

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

4.4.1. In the light of the above, I conclude that the four proposed amendments would not lead to a material change in the Adamstown Planning Scheme 2014, and would lead only to change that would be minor in nature.

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

4.5.1. The tests under sub-section (4) of the Act are whether the proposed amendment would have significant effects on the environment or on a European Site.

4.5.2. An SEA screening report on the proposed amendments was submitted to the Board with the application. The report assesses the proposed amendments against the criteria set out in Annex II of Directive 2001/42/EC. It is noted that the Adamstown SDZ Planning Scheme was subject to a full SEA and Screening for AA. The report finds that the proposed amendments relate only to the application of national policy in relation to minimum dwelling unit size, and as such, does not alter the overall vision and ethos on which the Planning Scheme is based.

4.5.3. Noting that the Planning Scheme was subject to a full SEA and Screening for AA, it is considered that no additional adverse effects arise from the proposed amendments, either significant, potential or uncertain, that were not envisaged and mitigated by the SEA for the Planning Scheme.

4.5.4. Likewise, the report states that the SEA process integrated environmental considerations into the Planning Scheme and found that the Planning Scheme contributes to environmental protection and management and sustainable development. The proposed amendments remain consistent with the policies and objectives of the Planning Scheme and no cumulative effects are predicted, no transboundary effects or any risks to human health or the environment are predicted.

4.5.5. The SDZ lands do not form part of a Natura 2000 site or other designated area, and have no landscapes of a recognised national, EU or international protection.

4.5.6. On the basis of the information on the file, which I consider adequate to inform a screening determination, it is considered that the proposed amendments to the

Planning Scheme, are not likely to have significant effects on the environment within the meaning of Annex II of Directive 2001/42/EC.

- 4.5.7. An AA screening report on the proposed amendment was submitted to the Board with the application. The report notes that the site is not in, near or proximate to a Natura 2000 site, listing all 3 no. sites within a 15km radius of the SDZ lands, as well as 3 no. sites located outside of the 15km radius. The report notes that there are no likely significant direct, indirect or secondary impacts of the project by virtue of size and scale, land-take, distance from Natura 2000 sites or key features, resource requirements, emissions, transportation, duration of construction, operation, and decommissioning.
- 4.5.8. The report notes that the Adamstown SDZ Planning Scheme, to which the proposed amendments relate, has undergone an AA Screening as well as a full SEA. It concludes that the proposed amendments to the Planning Scheme, either individually or in combination with other plans and projects would not give rise to significant effects on the integrity of any Natura 2000 site.
- 4.5.9. On the basis of the information on the file, which I consider adequate to inform a screening determination, and having regard to the nature and scale of the proposed amendments, the nature of the receiving environment, and proximity to the nearest European site, no appropriate assessment issues arise and it is considered that the proposed amendment to the planning scheme would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

5.0 Conclusion

- 5.1. In light of the assessment that the proposed amendment does not constitute the making of a material change to the planning scheme under section 170A(2), satisfies the criteria of section 170A(3)(b), and that the proposed amendment is not likely to have significant effects on the environment or on a European site, it is recommended that the Board approve the proposed amendment under section 170A(4)(a) and notify the Planning Authority of the approval of the amendment in accordance with section 170A(11).

6.0 Recommendation

- 6.1. That, under Section 170A sub-section (4)(a) and (11) of the Planning and Development Act, 2000 (as amended), the Planning Authority be notified of the Board's approval of the making of the four proposed amendments to the Adamstown Planning Scheme.
- 6.2. The Planning Scheme shall be amended to read as described in Section 2 of this Report above 'The Proposal', with the exception of Section 2.3.47 (pg.22) which shall read:

The design and layout of individual dwellings should provide a high quality living environment for residents. Designers should have regard to the targets and standards set out in the Quality Housing for Sustainable Communities Guidelines, DEHLG (2007) and the Sustainable Urban Housing: Design Standards for New Apartments, DECLG (2015) with regard to minimum room sizes, dimensions and overall floor areas when designing residential accommodation. All dwellings must be required to accord with or exceed the minimum floor area standards, as set out in these documents, or any superseding standards.

7.0 Reasons and Considerations

Having regard to:

- The planning history of the SDZ scheme approved by ABP in December 2014, and to the overall scope and objectives of the approved planning scheme,
- The nature of the proposed amendments (no.1 to no.4 inclusive) which follow from updated government planning guidelines (made under section 28 of the Planning & Development Act 2000 (as amended)) in relation to residential development standards,
- The report of the inspector

The Board considered that the proposed amendments would satisfy the criteria of section 170A(3)(b) of the Planning and Development Act, and therefore would not be

of such a nature as to affect the overall nature of the scheme or require a more fundamental review procedure to be followed.

Having regard to the overall provisions of s.170A of the Act, the Board agreed with the inspector's conclusion that the proposed amendments would not be material, given the limited potential to impact on the overall scheme objectives or the character of the overall Adamstown area.

The Board adopted the screening assessment carried out by the inspector in relation to the requirement for Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA). The Board agreed with her conclusion that the need for SEA or AA does not arise owing to the limited nature of the proposed amendments and the scope of the original SEA and AA procedures already completed for the adopted scheme.

Ciara Kellett
Inspectorate

30th August 2017

8.0 Appendix

Copy of Table 3 in the applicant's report:

Development Area: Somerton	2014 Planning Scheme	2017 Proposed Amendments
Dwellings Permitted	450-540	450 – 540 (unchanged)
Average Unit Size (for modelling purposes)	120sq.m	108sq.m (applying 10% stress test reduction)
Minimum extent of Total Residential Development Permitted	54,000sq.m (450 units x 120sq.m)	54,000sq.m (unchanged – no proposed amendment)
Maximum extent of Total Residential Development Permitted	64,800sq.m (540 units x 120sq.m)	64,800sq.m (unchanged – no proposed amendment)
Stress Test		
<p>Minimum Extent of Total Development: 54,000sq.m New Average Unit Size (based on 10% reduction): 108sq.m Permitted Min-Max Dwelling Range in 2014 Scheme: 450-540 units Number of dwelling units, if constructed entirely within the national guidelines as per the proposed amendment: 54,000sq.m /108sq.m = 500 dwellings. Conclusion: =>500 dwelling units fall within the permitted min-max dwelling range of 450-540 units.</p>		