



An  
Bord  
Pleanála

## Inspector's Report

**ABP-304520-19**

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### Development

Proposed alterations to permitted National Paediatric Hospital at St. James' Hospital Campus (case reference number 29S.PA0043) comprising of alterations to internal floor areas, elevations and facade, roof plan and external landscaping.

### Location

St. James' Hospital Campus, James's Street, Dublin 8

### Planning Authority

Dublin City Council South

### Requester

National Paediatric Hospital  
Development Board (NPHDB)

### Type of Application

Application under section 146B of the Planning & Development Act 2000 as amended.

### Date of Site Inspection

None required

### Inspector

Una Crosse

## 1.0 Introduction

- 1.1. The requester was granted permission, under 29S.PA0043, for a new National Paediatric Hospital with the main hospital itself being located at the St. James's Hospital campus at James's Street in Dublin 8.
- 1.2. A previous request was made under Section 146B (Ref. 29S.PM0012) which sought to amend the permitted development at basement levels, referred to as B01 and B02, by reconfiguring the permitted plant areas, carrying out amendments to the basement parking layout and amend and alter the waste management and FM layouts at level B02. This was determined by the Board on 15 September 2017 not to comprise a material alteration.
- 1.3. The requester is now submitting this request to An Bord Pleanála, pursuant to section 146B of the Planning & Development Act 2000 (as amended), for further alterations to the terms of that permission.

## 2.0 Planning History

### 2.1. Parent Permission

**Ref. 29S.PA0043:** An Bord Pleanála granted permission, subject to 17 no. conditions, for the development a new National Paediatric Hospital at the St. James's Hospital campus, associated Satellite Centres at Tallaght and Connolly Hospitals and a temporary construction compound at Davitt Road, Drimnagh.

A 10 year permission was granted for the development of the proposed new National Paediatric Hospital, comprising an integrated health infrastructure development with 6 principal elements and ancillary development as set out below:

- (i) a 473 bed new children's hospital (up to 118,113 sq.m gross floor area) at the St. James's Hospital Campus, James's Street, Dublin 8 (which contains Protected Structures);
- (ii) a 53 bed family accommodation unit (up to 4,354 sq.m gross floor area) at the St. James's Hospital Campus, James's Street, Dublin 8 (which contains Protected Structures);

(iii) a children's research and innovation centre (up to 2,971 sq.m gross floor area) at the St. James's Hospital Campus, James's Street, Dublin 8 (which contains Protected Structures);

(iv) a construction compound at the former Unilever site at Davitt Road, Drimnagh, Dublin 12;

(v) a children's hospital satellite centre at The Adelaide & Meath Hospital Dublin (Tallaght Hospital), Belgard Square North, Tallaght, Dublin 24 (up to 4,466 sq.m gross floor area); and

(vi) a children's hospital satellite centre at Connolly Hospital Campus in Blanchardstown, Dublin 15 (up to 5,093 sq.m gross floor area).

The development proposed and granted, subject to conditions, at the St. James's Hospital campus to which this Section 146B request refers, comprises the following:

The demolition of all buildings on the site of the new children's hospital, Family Accommodation Unit and the proposed Children's Research and Innovation Centre;

A new children's hospital building and associated helipad;

A two-level underground car park under same, with a further level of shared facilities management hub and energy centre below;

A Children's Research and Innovation Centre;

A Family Accommodation Unit;

Public realm improvements to: the existing St James's campus spine road and the demolition of 2 no. buildings and relocation of parking to accommodate same; the linear park at the Rialto Luas stop and the public steps between Mount Brown and Cameron Square;

Improvements to the road junction at the existing campus entrance on St James's Street and a new campus entrance piazza from Brookfield Road / South Circular Road, with minor improvements to these roads;

A new vehicular entrance from Mount Brown;

A realigned internal campus road;

A new shared flue stack for the St. James's Hospital campus; and,

A range of infrastructure works, including the diversion of the existing Drimnagh Sewer and revised boundary treatments.

## 2.2. Section 146B

**Ref. 29S.PM0012** – It was determined by the Board that amendments to the permitted development at basement levels, referred to as B01 and B02, by reconfiguring the permitted plant areas, carrying out amendments to the basement parking layout and amend and alter the waste management and FM layouts at level B02 were not material.

## 3.0 Proposed Changes

The changes proposed as part of the subject request are as follows:

### 3.1. Alterations to Internal Floor Areas

Optimise the floor plates as part of minor engineering changes which relate to buildings regulations with increase in gross internal areas from ground level 00 to level 07 with overall increase of 748 sq.m representing a percentage increase of 0.83% with greatest increase, 511 sq.m at ground level (table on page 8 of submission details proposed change to each floor).

### 3.2. Alterations to Elevations and Façade

Changes include alterations to external balconies, curtain walling materials, soffits, emergency department canopy and other minor physical alterations to façade and landscaping as follows:

- Eight bed cluster over ward balconies – recess external balconies on levels 05 & 06.
- Curtain walling materials – change from opaque glass to granite on GL and from granite to ‘Sto’ render or similar on Lower GL.
- Physical alterations to façade – changes to size and position of windows on façade of main entrance to building on South Circular Road.
- Soffit changes – drop height and angle of soffit on Level 03 by c.500mm on all four elevations of the building at level 03.
- Emergency Department entrance canopy – reconfigure entrance canopy outside of emergency department at Ground level 00 to include a lobby and accommodate a lift shaft serving lower levels.

### 3.3. Alteration to Roof Plan

Revision of plant area within roof spaces at Level 08 including amendments to exhaust flues arising from roof structure and reducing the overall height of same.

### 3.4. **Alteration of External Landscaping**

The following changes are proposed:

- Reconfiguration of roof lights – within external Level 04 garden to allow natural light to pass through to lower levels
- Air ventilation – provide opes outside of the main entrance piazza to hospital building at South Circular Road with opes rising from basement level and proposed to provide air ventilation to underground car parking and clinical spaces. The opes form a series of 1200mm high spherical walls ranging in diameter sitting within the green landscaping of the Piazza.

### 3.5. **Other Matters**

Referenced as noted items by the requester, it is stated that a number of other changes are outlined for the Board's information but that it is not considered that they will require an alteration to the original permission:

- Colour changes to façade – colour scheme has been altered from that shown on permitted drawings, opportunity taken to note this within the Section 146B request but that the change is an immaterial deviation and has been included to provide a context for the intended design of the façade.
- South east gold corner projection – following detailed design of functionality of the PIR theatre, proposed to reconfigure the layout of the fold box projection on the south east of the building with change considered an immaterial deviation and has been included to provide a context for the intended design of the façade.

## 4.0 **Requester's Submission**

The requester's submission to the Board can be summarised as follows:

- The request solely relates to those aspects of the permitted development that are located at the St. James's Hospital Campus.
- The changes to the proposed development arise from the revision of the design following clinical stakeholder engagement, compliance with fire safety certificate, co-ordination and buildability issues and responsibility of the NPHDB to provide a cost effective approach to delivering this nationally important project.
- Such refinement requiring changes to the permitted development within the parameters of the overall permission with strong view of project team that alterations outlined are not 'material' within the meaning of Section 146B of the

Act and request that the Board make the proposed changes to the parent permission in accordance with the drawings submitted.

- Noted that a new Dublin City Development Plan has been adopted since the development to grant permission for the new hospital with new policy context relevant to matter at hand as new City Plan supportive of the development recognising its potential to rejuvenate the inner city with site included in Strategic Development and Regeneration Area 15 with policy relating to the strategic role of Hospital complexes outlined with proposed minor amendments not conflicting with any of the policies outlined.
- An updated AA screening report was prepared with respect to the proposed amendments and it has been found that, on the basis of objective information, the possibility may be excluded that the proposed amendments will have a significant effect on any European site.
- Previous Section 146B request (outlined above) is detailed with reference to a Section 146B request related to the Connolly Hospital Satellite Centre (ref. ABP-301694-18) both of which were not considered material.
- Proposed to amend the floor area and elevations of the permitted development to reflect the review of the design which also includes minor amendments to use of curtain walling materials, recessing of ward end balconies, revision of floor plans and other minor physical alterations to the façade (see section 3 above for details).
- Consider it is open to ABP to decide that alterations are not material however, if ABP considers the alterations are “material” in terms of the permitted development, the report sets out main environmental issues in relation to alterations with topics in original EIS reviewed in context of the alterations and demonstrate that proposal would not be such as to have any significant effects on the environment.
- ‘Material alteration’ not defined in Act or Regs but consider that the test of whether any change of material or not is whether such a change would give rise to planning impacts additional to, or that were not anticipated, in the original application.
- ABP has had regard to a number of matters in considering materiality of alterations in previous requests including – materiality of the modification in context of development already permitted, whether modifications were purely

technical or operational in nature, planning or environmental consequences resulting, impact on proper planning and sustainable development of the area and creation of new or additional planning or environmental issues other than those already assessed prior to original approval.

- Specific matters previously considered by the Board include- location and scale of proposed alterations, impact on protected structures or architectural heritage, potential visual impacts, landuse zoning context, overall pattern of development in the area, potential conflict with long term planning objectives, traffic impacts, impacts on services, archaeological heritage impacts and landscape impacts which are addressed in turn.
- Proposed alterations primarily located on face of main building and do not affect the surrounding public realm given that the building is in a campus;
- Overall scale of building largely unchanged with minor increase in floor area less than 1% of overall floor area and elevational and façade changes do not affect the scale of proposal as general envelope of permitted development retained;
- No effect on protected structures or architectural heritage;
- Proposed alterations will not negatively impact visual amenity of area given minor nature and scale and do not materially affect the development;
- Proposed alterations optimise the design of proposed hospital and are in keeping with zoning of the site:
- Pattern of development in area defined by hospital campus with proposal not having a different impact when compared to original permission;
- Accord with the proper planning and sustainable development of the area.
- No effect on traffic levels in vicinity of site as confined to elevation/façade;
- No anticipated effect on general services including drainage and water;
- No additional effects on archaeological heritage other than those outlined in the EIS for permitted development.
- Considered that original development description (appendix 1) continues to accurately represent the scheme with exception of relatively minor expansion of overall floor area and aside from this, development description would not have been described any differently lending weight to view that alterations are not material;

- Board have previously found that proposed alterations to permitted development at St. James Campus and Connolly Hospital Satellite Centre are not material with alterations in instant request less significant than those previously determined;
- Recent 146B determination (Ref.PL06D.PM0015) on National Rehabilitation Hospital (Ref. 06.PA0039) contained alterations considered to be more extensive than proposed herein and which were determined not to be material.
- If Board decide that proposed alterations are material under provisions of Section 1 46B they must also determine whether extent and character of alterations requested would be likely to have significant effects on the environment.
- Information outlined is considered sufficient for Board to determine that proposed alterations would not be likely to have significant effects.
- The proposed alterations, relative to the overall permitted development, is not of a size significant enough in its own right to have any material impacts on the receiving environment provided that the mitigation measures set out in the original EIS are adhered to, as required by Condition 2 of the permission.
- Cumulatively the proposed alterations and overall project will not exceed those impacts set out and further significant effects are not expected.
- Proposed alterations located within ground of Campus and entirely within the site of permitted application which is not in an environmentally sensitive location.
- Each of the topics examined in the original EIS has been reviewed with respect to the proposed alteration.
- No changes to the impacts on Human Beings.
- Not anticipated that proposed alterations will lead to a material increase in construction traffic and no change to operational stage.
- No material change to soils and geology with significance of effect low;
- No change identified to impacts identified on hydrogeology and hydrology with significance of effect low and proposed alterations have no impact on flood risk.
- There is no identified impact on flora and fauna outside of those identified in the original EIS.
- Proposed alterations not anticipated to result in an increased volume of material to be excavated at the site and requiring removal off-site as waste.



- Will not lead to an increase/significant increase in noise and vibration or air quality and climate to that set out in original EIS.
- Does not affect any aspect of the assessment of microclimate as set out in EIS.
- Proposed alterations do not alter the conclusions of the landscape and visual impact as set out in the original EIS.
- Proposed amendments do not affect any other areas of archaeological interest and continue to adhere to mitigation measures in EIS and does not affect any aspect of the assessment of architectural and cultural heritage as set out in the original EIS.
- Will not result in any significant changes to the site services required.
- Relative to impacts identified in the original EIS over entire construction period, any additional interactions arising from proposed alterations are considered imperceptible to slight.
- The requester’s submission includes, inter alia, an AA Screening Report as prepared by Scott Cawley and architectural drawings.

## 5.0 Legislative Provisions

- 5.1. Section 146B of the Act provides for the alteration by the Board of a strategic infrastructure development in response to a request made of it. The Board should note that since the previous request for alterations under Section 146B on this SID permission that the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018) has provided for a number of amendments to Section 146B of the Act and these amendments are reflected in the following outline of the legislative provisions.
- 5.2. Initially under the terms of section 146B(2)(a) the Board must decide as soon as practicable after the making of such a request, whether or not the making of a proposed alteration would constitute *“the making of a material alteration of the terms of the development concerned”*. Section 146B(2)(b) provides that *“before making a decision under this subsection, the Board may invite submissions in relation to the matter to be made to it by such person or class of person as the Board considers appropriate (which class may comprise the public if, in the particular case, the Board*

determines that it shall do so); the Board shall have regard to any submissions made to it on foot of that invitation”.

- 5.3. Alteration not a material alteration - Section 146B(3)(a) states that “if the Board decides that the making of the alteration would not constitute the making of a material alteration of the terms of the development concerned, it shall alter the planning permission, approval or other consent accordingly and notify the person who made the request under this section, and the planning authority or each planning authority for the area or areas concerned, of the alteration”.
- 5.4. Alteration is a material alteration - Section 146B(3)(b) provides that if the Board decides that the making of the alteration would constitute the making of such a material alteration, it shall - “(i) by notice in writing served on the requester, require the requester to submit to the Board the information specified in Schedule 7A to the Planning and Development Regulations 2001 in respect of that alteration, or in respect of the alternative alteration being considered by it under subparagraph (ii)(II), unless the requester has already provided such information, or an environmental impact assessment report on such alteration or alternative alteration, as the case may be, to the Board, and
- (ii) following the receipt of such information or report, as the case may be, determine whether to —
- (I) make the alteration,
- (II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or
- (III) refuse to make the alteration”.
- 5.5. In respect of Section 146B(3)(b)(i), the Act states at subsection 3(A), (as amended by European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018)), that “where the requester is submitting to the Board the information referred to in subsection (3)(b)(i) , that information shall be accompanied by any further relevant information on the characteristics of the alteration under consideration and its likely significant effects on the environment including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out

*pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account*". Subsection (3B) as amended by same, states that *"where the requester is submitting to the Board the information referred to in subsection (3)(b)(i) , that information may be accompanied by a description of the features, if any, of the alteration under consideration and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the alteration"*.

5.6. Section 146B(4) provides that before making a determination under subsection (3)(b)(ii), the Board shall determine whether (a) the extent and character of the alteration requested under subsection (1), and (b) any alternative alteration under subsection (3)(b)(ii)(II), are such that the alteration, were it to be made, would be likely to have significant effects on the environment (and, for this purpose, the Board shall have reached a final decision as to what is the extent and character of any alternative alteration the making of which it is so considering).

5.7. Section 146B(4A) states as follows:

(a) Subject to paragraph (b), within 8 weeks of receipt of the information referred to in subsection (3)(b)(i) , the Board shall make its determination under subsection (4) .

(b) Subject to paragraph (c), the Board shall not be required to comply with paragraph (a) within the period referred to in paragraph (a) where it appears to the Board that it would not be possible or appropriate, because of the exceptional circumstances of the alteration under consideration (including in relation to the nature, complexity, location or size of such alteration) to do so.

(c) Where paragraph (b) applies, the Board shall, by notice in writing served on the requester before the expiration of the period referred to in paragraph (a) , inform him or her of the reasons why it would not be possible or appropriate to comply with paragraph (a) within that period and shall specify the date before which the Board intends that the determination concerned shall be made

5.8. Section 146B(5) states that *"if the Board determines that the making of either kind of alteration referred to in subsection (3)(b)(ii) —*

*(a) is not likely to have significant effects on the environment, it shall proceed to make a determination under subsection (3)(b)(ii), or*

*(b) is likely to have such effects, the provisions of section 146C shall apply"*.

5.9. Section 146B(6) states that *"if, in a case to which subsection (5)(a) applies, the Board makes a determination to make an alteration of either kind referred to in*

*subsection (3)(b)(ii), it shall alter the planning permission, approval or other consent accordingly and notify the person who made the request under this section, and the planning authority or each planning authority for the area or areas concerned, of the alteration”.*

5.10. Section 146B(7)(a) states that “in making a determination under subsection (4) , the Board shall have regard to —

*(i) the criteria for the purposes of determining which classes of development are likely to have significant effects on the environment set out in any regulations made under section 176,*

*(ii) the criteria set out in Schedule 7 to the Planning and Development Regulations 2001,*

*(iii) the information submitted pursuant to Schedule 7A to the Planning and Development Regulations 2001,*

*(iv) the further relevant information, if any, referred to in subsection (3A) and the description, if any, referred to in subsection (3B) ,*

*(v) the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive, and*

*(vi) in respect of an alteration under consideration which would be located on, or in, or have the potential to impact on —*

*(I) a European site,*

*(II) an area the subject of a notice under section 16 (2)( b ) of the Wildlife (Amendment) Act 2000 (No. 38 of 2000),*

*(III) an area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act 2000 ,*

*(IV) land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act 1976 (No. 39 of 1976),*

*(V) land designated as a refuge for flora or a refuge for fauna under section 17 of the Wildlife Act 1976 ,*

*(VI) a place, site or feature of ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan, draft development plan or draft local area plan, or proposed variation of a development plan, for the area in which the development is proposed, or*

*(VII) a place or site which has been included by the Minister for Culture, Heritage and the Gaeltacht in a list of proposed Natural Heritage Areas published on the National Parks and Wildlife Service website, the likely significant effects of such alteration on such site, area, land, place or feature, as appropriate”.*

Subsection (b) states that *“the Board shall include, or refer to, in its determination under subsection (4) the main reasons and considerations, with reference to the relevant criteria listed in Schedule 7 to the Planning and Development Regulations 2001, on which the determination is based”.*

- 5.11. Section 146B(7A) states that *“where the determination of the Board under subsection (4) is that the alteration under consideration would not be likely to have significant effects on the environment and the applicant has, under subsection (3B) , provided a description of the features, if any, of the alteration concerned and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the alteration concerned, the Board shall specify such features, if any, and such measures, if any, in the determination”.*
- 5.12. Under section 146B(8) before the Board makes a determination under sections 146B(3)(b)(ii) or 146B(4), it is required to make, or require the requester to make, information relating to the request available for inspection to certain persons and/or the public. Submissions and observations are to be invited and the Board is required to have regard to any such submissions or observations received.
- 5.13. Section 146C relates to the preparation of environmental impact statement for purposes of section 146B and applies to a case where the determination of the Board under section 146B(4) is that the making of either kind of alteration referred to in section 146B(3)(b)(ii) is likely to have significant effects on the environment.

## **6.0 Assessment**

### **6.1. Consideration of materiality**

- 6.1.1. As indicated in the preceding section, the first consideration in relation to this request to alter the terms of PA0043 is to determine if the making of the alteration would constitute the making of a material alteration of the terms of the National Children’s Hospital development as granted. The requester has set out the proposed alterations under a series of headings and for ease of reference I intend to use these headings to consider the materiality and then address the overall proposal.

### **Alterations to Internal Floor Areas**

- 6.1.2. The requester describes this proposed alteration as optimising the floor plates as if part of minor engineering changes which relate to building regulations with an increase in gross internal areas from ground level 00 to level 07. An overall increase of 748 sq.m is proposed which represents a percentage increase of 0.83% with greatest increase, 511 sq., at ground level. A table on page 8 of the submission from the requester details the proposed change to each floorplate.
- 6.1.3. While, I address the resulting alterations from the proposed alterations to the elevations and facade in the next section, I would note that the alterations proposed to the internal floor area do not result in impacts arising in addition to those previously assessed under PA0043 in terms of overlooking, overshadowing, access to daylight or visual amenity. The subject alterations take place well within the application site boundary. The additional floor space is internal to the envelope of the building and does not result in the expansion of the outer footprint of the hospital as granted as it involves additional space within existing voids, reconfiguring existing spaces or pulling forward walls within recesses within the envelope of the structure.
- 6.1.4. I am of the opinion, having considered the alterations to the internal floor areas and having considered the proposal as granted under PA0043, that the Board would not have considered PA0043 differently had the floor plans as now proposed in the alterations formed part of PA0043 at that application stage. Therefore, I consider it reasonable to conclude that the proposed alterations to the internal floor areas subject of this request do not constitute the making of a material alteration of the development as granted under PA0043.

### **Alterations to Elevations and Façade**

- 6.1.5. It is proposed to make a number of alterations to the elevations/façade of the permitted Hospital building. The changes proposed include alterations to external balconies, curtain walling materials, soffits, emergency department canopy and other minor physical alterations to the façade and landscaping. I would note that while the drawings include some annotation of the proposed alterations, they could express the stated changes in the documentation more clearly. In addition, the written document and drawings would benefit from clearer cross referencing and outlining in the supporting written report upon which elevations the proposed alterations are located. I will address each in turn.

- 6.1.6. It is proposed to recess the permitted external balconies on levels 05 & 06. While this proposed alteration will change the elevation, it is so minor that I do not consider it could be considered material particularly as other balconies on the elevations remain external.
- 6.1.7. It is proposed to change the curtain walling materials on the ground floor from opaque glass to granite and on the lower ground from granite to 'Sto' render or similar. I consider that the proposed alterations to the materials proposed and the openings arising on the ground level is not material, I do note that the fenestration pattern on the other lower levels on the north, south and eastern elevations have changed in the proposed alteration drawings from those in the permitted drawings. It would appear that not all of the changes within the drawings are specifically included within this request nor are they annotated in the drawings. There are also changes to the fenestration pattern on the northern elevation drawings which are not specifically requested. For the avoidance of doubt, this request relates solely to those specifically outlined within the request which are outlined in the relevant drawings and which I consider are not material.
- 6.1.8. An alteration which is specifically requested is the change to the size and position of windows on the façade of the main entrance to the building on the South Circular Road with the request referencing drawing No. NPH-A-BDP-PL-ZZ-00-2201. This alteration relates to the western elevation of the building. While again the drawings are poorly annotated, it can be determined what alterations are proposed. While the proposals set out do alter the entrance along this elevation I do not consider that it would comprise a material alteration.
- 6.1.9. A further alteration relates to Level 03 where it is proposed to drop the height and angle of the soffit by c.500mm on all four elevations of the building. This is not material in my opinion although it is not clearly annotated in the drawings.
- 6.1.10. The final stated alteration to the elevation/façade is the proposal to reconfigure the entrance canopy outside of the emergency department at Ground level 00 to include a lobby and accommodate a lift shaft serving lower levels. The emergency department entrance is on the eastern elevation of the building, for clarity. This is not material.
- 6.1.11. I consider that the alterations specifically outlined to the elevations and facade as part of this Section 146B application are not materially different to those permitted in PA0043. I do not consider that the Board would have considered PA0043 differently

had the alterations to the elevations and facade as now proposed in the requested alterations formed part of PA0043 at that application stage. Therefore, I consider it reasonable to conclude that the proposed requested alterations to the elevations and façade subject of this request do not constitute the making of a material alteration of the development as granted under PA0043.

### **Alteration to Roof Plan**

6.1.12. The next proposed alteration relates to the revision of the plant area within the roof spaces at Level 08. This includes amendments to exhaust flues arising from the roof structure and reducing the overall height of same. I have reviewed the drawings submitted in respect of this proposed alteration. The width of the proposed structures has been increased but the height has been reduced. Having considered the alterations to the roof plan and having considered the proposal as granted under PA0043, the Board would not have considered PA0043 differently had the roof plan as now proposed in the alterations formed part of PA0043 at that application stage. Therefore, I consider it reasonable to conclude that the proposed alterations to the roof plan subject of this request do not constitute the making of a material alteration of the development as granted under PA0043.

### **Alteration of External Landscaping**

6.1.13. It is proposed to alter a number of elements related to landscaping which include the reconfiguration of roof lights within external Level 04 garden to allow natural light to pass through to lower levels. It is also proposed, for the purposes of air ventilation to provide opes outside of the main entrance piazza to the hospital building at South Circular Road with opes rising from basement level and proposed to provide air ventilation to underground car parking and clinical spaces. The opes form a series of 1200mm high spherical walls ranging in diameter sitting within the green landscaping of the Piazza. These elements can be seen both on the site layout plan but also on the western elevation to the front of the South Circular Road entrance/main entrance Piazza. However, while altering the treatment of this entrance space I do not consider that the alteration is material. Having considered the alterations to the external landscaping and having considered the proposal as granted under PA0043, I do not consider that the Board would have considered PA0043 differently had the external landscaping as now proposed in the alterations formed part of PA0043 at that application stage. Therefore, I consider it reasonable to conclude that the proposed alterations to the external landscaping subject of this request do not



constitute the making of a material alteration of the development as granted under PA0043.

### **Other Matters**

- 6.1.14. Referenced as noted items by the requester in their submissions, it is stated that a number of other changes are outlined for the Board's information but that it is not considered that they will require an alteration to the original permission. These include colour changes to the façade with the colour scheme now proposed altered from that shown on permitted drawings. They state that the current opportunity has been taken to note this within the Section 146B request but that the change is an immaterial deviation and has been included to provide a context for the intended design of the façade. I consider that the conclusion reached by the requester in this regard is reasonable.
- 6.1.15. The other matter raised by the requester in their submission is the consideration of the south east gold corner projection. They state that following the detailed design of the functionality of the PIR theatre, it is proposed to reconfigure the layout of the fold box projection on the south east of the building with the change considered an immaterial deviation but that it has been included to provide a context for the intended design of the façade. Again, I consider that the conclusion reached by the requester in this regard is reasonable.

### **Conclusion**

- 6.1.16. Having regard to the proposed alterations requested and the proposal as granted under PA0043, I am satisfied that the Board would not have considered the relevant planning issues differently to any material extent, or considered that any other planning issues would arise, had the floor plans, elevations and landscape plans as now proposed in the alterations formed part of PA0043 at application stage. It follows therefore, that the Board would not have determined the parent permission differently. I consider it reasonable to conclude that the proposal subject of the request does not constitute the making of a material alteration of the development as granted under PA0043. Therefore I consider that the Board can determine under Section 146B(3)(a) that the making of the alteration would not constitute the making of a material alteration of the terms of the development concerned and in that it shall alter the planning permission, approval or other consent accordingly and notify the person who made the request under this section, and the planning authority or each planning authority for the area or areas concerned, of the alteration.

6.1.17. I would specifically note, as outlined above, that alterations to the façade and fenestration noted on the first and second floors of the building which have not been requested are not included as part of this specific request.

6.1.18. I have considered the provisions of s.146B(2)(b) which provides for, at the Board's discretion, the inviting of submissions from persons, including the public. Having considered: the nature, scale and extent of the alteration; the information on file; the nature, scale and extent of the development granted under PA0043, and the information on PA0043 including the submissions from the public and information obtained at the Oral Hearing, I am of the opinion that the inviting of submissions from the public in this instance is not necessary and is not required for the purposes of the Board determining the matter.

## **6.2. Environmental Impact Assessment**

6.2.1. As I outline above, I consider that the proposed alterations do not constitute the making of a material alteration of the development concerned and in this regard the provisions of Section 146B(3)(a) apply. However if the Board are of the opinion that the proposed alterations would constitute a material alteration the provisions of Section 146B(3b) apply which require that the requester submit to the Board the information specified in Schedule 7A of the Planning and Development Regulations 2001 as amended unless the information has already been provided. Section 6 of the Report submitted with the request outlines the likely significant effects on the environment and outlines Schedule 7 of the Regulations and details the characteristics of the proposed alterations, the location of same and the characteristic of potential impacts of the alterations. It is concluded that the proposed alterations would not have any significant effects on the environment. I would concur with this opinion. I also note that the topics considered in the original EIS have been reviewed in Section 7 of the report and conclude that there would be no additional or increase in the impacts identified. I consider the requester's further review of the potential impact arising from the alterations proposed to be reasonable and robust.

## **6.3. Appropriate Assessment**

6.3.1. As outlined in the previous Section 146B request (Ref. 29S.PM0012), under PA0043 the Board completed an Appropriate Assessment Screening exercise in relation to 17 Natura 2000 sites within a 15 km radius of the application site which resulted in 13 of the sites being screened out. The Board then undertook an Appropriate Assessment in relation to the effects of the development proposed under PA0043 on

the 4 sites that were not screened out: the North Dublin Bay candidate Special Area of Conservation (Site Code 000206), the South Dublin Bay candidate Special Area of Conservation (Site Code 000210), the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code 004024), and the North Bull Island Special Protection Area (Site Code 004006). An NIS was prepared and submitted as part of the application in relation to PA0043. The Board concluded that the proposed development, by itself, or in combination with other plans or projects, would not be likely to adversely affect the integrity of these European Sites in view of the sites' conservation objectives.

6.3.2. The requester has submitted an 'AA Screening Report' in relation to the alterations that are the subject of this s.146B request (as prepared by Scott Cawley dated 15 May 2019). The report describes the receiving environment, the permitted development and the amendments proposed. The European sites considered relevant for the consideration are outlined in Figure 1 and Table 1 of the statement. The 17 sites that were subject of the AA Screening in PA0043 are again considered in the context of the alterations subject of this s.146B request. The AA Screening report states that the proposed amendments are minor changes to the permitted hospital project and are all within the existing enclosing perimeter for impacts of the permitted project. Any potential pathways for impacts of the permitted hospital project have already been assessed under an Appropriate Assessment of that application and the proposed amendments do not give rise to any new or different issues or impact pathways that would now need to be assessed. It is considered that the possibility may be excluded that the proposed development will have significant effect on any European site.

6.3.3. Having considered the Board's determination on Appropriate Assessment on PA0043, section 3.1.26 of the Inspector's Report on PA0043; the nature, scale and extent of the alteration relative to the development subject of PA0043, and the information on file (which I consider adequate to carry out AA Screening), I consider it reasonable to conclude that the alterations proposed, individually or in combination with other plans or projects, would not be likely to have a significant effect on the European sites located within a 15 km radius in view of the sites' conservation objectives.

## 7.0 RECOMMENDATION

7.1. I recommend that the Board decides that the making of the alterations subject of this request do not constitute the making of a material alteration to the terms of the development as granted permission under 29S.PA0043.

(Draft Order for the Board's consideration provided below)

### DRAFT ORDER

REQUEST received by An Bord Pleanála on the 23rd day of May 2019 from the National Paediatric Hospital Development Board care of Avison Young, 2-4 Merrion Row, Dublin 2 under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of the National Paediatric Hospital, a strategic infrastructure development the subject of a permission granted under An Bord Pleanála reference number 29S.PA0043.

WHEREAS the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 26th day of April, 2016,

AND WHEREAS the Board has received a request to alter the terms of the development, the subject of the permission,

AND WHEREAS the proposed alteration is described as follows:

- Alterations to the floor plates as part of minor engineering changes which relate to buildings regulations with alterations to the gross internal areas from ground level 00 to level 07 with an overall increase of 748 sq.m
- Changes to the elevations and façade of the building including:
  - recess external balconies on levels 05 & 06.
  - change from opaque glass to granite on GL and from granite to 'Sto' render or similar on Lower GL.
  - changes to size and position of windows on façade of main entrance to building on South Circular Road.
  - drop height and angle of soffit on Level 03 by c.500mm on all four elevations of the building at level 03.
  - reconfigure entrance canopy outside of emergency department at Ground level 00 to include a lobby and accommodate a lift shaft serving lower levels.

- revision of the plant area within roof spaces at Level 08 including amendments to exhaust flues arising from roof structure and reducing the overall height of same.
- reconfiguration of roof lights within external Level 04 garden to allow natural light to pass through to lower levels
- provide opes outside of the main entrance piazza to hospital building at South Circular Road with opes rising from basement level comprising a series of 1200mm high spherical walls ranging in diameter sitting within the green landscaping of the Piazza and proposed to provide air ventilation to underground car parking and clinical spaces.

AND WHEREAS the Board decided, in accordance with section 146B(2)(b) of the Planning and Development Act 2000, as amended, not to invite submissions or observations from the public in relation to whether the proposed alteration would constitute the making of a material alteration to the terms of the development concerned,

AND WHEREAS the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alteration would not result in a material alteration to the terms of the development, the subject of the permission,

AND WHEREAS having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alteration would not be likely to have significant effects on the environment or on any European Site,

NOW THEREFORE in accordance with section 146B(3)(a) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above-mentioned decision so that the permitted development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on the 23rd day of May, 2019.

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Una Crosse

Senior Planning Inspector

July 2019