



An
Bord
Pleanála

Inspector's Report

ABP-304604-19

Development	Proposed Amendments to North Lotts & Grand Canal Dock Planning Scheme
Location	North Lotts and Grand Canal Dock
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	
Applicant(s)	Dublin City Council Development Agency
Type of Application	Amendment to a planning scheme under section 170A of the Planning and Development Act 2000, as amended.
Date of Site Inspection	06/09/2019
Inspector	Gillian Kane

1.0 Introduction

1.1. Under Section 170A sub-section (1) of the Planning and Development Act, 2000 (as amended), Dublin City Council Development Agency has submitted an application to the Board to amend the Planning Scheme approved by An Bord Pleanála for the North Lotts and Grand Canal Dock SDZ in May 2014 (**29N. ZD2011**). This application comprises the following documents:

- Review of Building Height & Proposed Amendments to North Lotts & Grand Canal Dock Planning Scheme
- SEA of the Proposed Amendments to North Lotts & Grand Canal Dock Planning Scheme
- AA of the proposed amendments North Lotts & Grand Canal Dock Planning Scheme

1.2. A cover letter submitted with the application states that it is proposed to amend the Planning Scheme by the addition of a number of landmark / local landmark buildings, together with additional shoulder height storeys on a number of streets and a setback storey subject to detailed analysis at application stage. The planning report submitted with the application states that the proposed amendments will ensure that that the adopted Scheme complies with statutory building height guidelines

2.0 Planning History

2.1. A strategic development zone (SDZ) at the North Lotts and Grand Canal Dock was established by the government on 18th December 2012 by SI530/2012. Dublin City Council is the development agency for this SDZ. Its area is c66ha on both sides of the Liffey to the east of the city centre between the East Wall Road, Sherriff Street and Guild Street on the northside, and around Grand Canal Dock and Sir John Rogerson's Quay on the southside, including the East Link Bridge known as Tom Clarke Bridge. A scheme for the SDZ was made in November 2013 which was subsequently appealed to the Board. Under **29N. ZD2011** the Board approved the making of the planning scheme, subject to modifications, on 16th May 2014. The scheme had been subject to appropriate assessment and strategic environmental assessment before its approval.

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 – 2018.
- 3.2. Under sub-section (1) of this Section, a planning authority may make an application to the Board to amend a planning scheme. Under sub-section (2), the Board shall make a decision as to whether or not the proposed amendment constitutes a material change to the planning scheme. If such an amendment would fail to satisfy the criteria set out in sub-section 3(b), then it would be a material change of the planning scheme of such an order as to require the planning authority, under sub-section 3(a)¹, to amend the planning scheme in accordance with the procedures set out in Section 169 for the making of a planning scheme.
- 3.3. If the proposed amendment would lead to changes that would only be minor in nature, then, provided there is no need for SEA or AA, the Board may, under sub-section (4)(a), approve this amendment to the planning scheme.
- 3.4. If the proposed amendment would satisfy the criteria set out in sub-section 3(b) it may still, under sub-section (4)(b), be deemed by the Board to be material, only in a different sense from that described above. In these circumstances, the Board can approve such an amendment, or an alternative amendment of no greater significance, but not before the following requirements have been complied with:
 - Under sub-section (5), the Board shall screen the proposed amendment, or its alternative, for SEA and AA. If SEA and/or AA are required, then under sub-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

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

set out in sub-section (9) and the Board shall subsequently, under sub-section 10, have regard to this report.

- 3.5. 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)(b), then the planning scheme shall be so amended, and the planning authority notified accordingly. If sub-section (7) was activated, then all those who made submissions or observations shall likewise be notified.

4.0 Proposed Amendments

- 4.1.1. A planning report provides the background to and the rationale for the proposed amendments. It can be summarised as follows.
- 4.1.2. The report outlines the evolution of the Planning Scheme, how height is addressed in the existing and proposed buildings and within the context of the wider area. The report outlines how the Scheme, as approved by the Board provided for a series of five hubs with 22 city blocks. Figure 35 of the approved scheme outlined the development code for each of the city blocks. This development code set out the overall pattern of development, defining street-types, public spaces and fixed or flexible building lines. For each of the 20 blocks identified for development, a 'city block development code' was devised that set specific objectives for building layouts, land uses and building heights. This process provided for indicative capacity figures namely 2,600 residential units and 305,000sq.m. of commercial floorspace.
- 4.1.3. In relation to building heights, the report outlines that section 5.4.5 of the approved scheme sets out the design rationale behind building heights across the SDZ. Using an average floor to ceiling height of 3m for residential and 4m for commercial uses, city blocks were designed to be 6-storey commercial and 7-storey residential buildings. The Liffey Quays were identified as being suitable for 8-storey commercial and 10-storey residential and 4 hubs were identified as being suitable for landmark buildings. In addition to target heights, a set-back floor could be considered subject to shadow analysis and a design rationale. The restriction to this set-back floor option was along blocks 1 to 5.
- 4.1.4. The report notes that the Board's decision to approve the scheme included a modification regarding landmark buildings. (Modification no. 1 of the Board's Order

refers). The Board considered that the landmarks could compromise the coherent and attractive urban design for the area, and would lead to difficulty at planning application stage given the vague nature of the proposal.

- 4.1.5. The report notes that the scheme has now largely been 'built-out' but that some larger sites remain undeveloped. The purpose of the application before the Board is to re-evaluate the development code for these blocks, in light of new Government policy on building heights in urban areas, namely the 'Urban Development and Building Heights' section 28 Guidelines. Section 1.4.3.3. of the report refers to SPPR 3, Part B of the guidelines which requires a review of a planning scheme to ensure the criteria of the Guidelines are reflected in planning schemes. The report states that "It is on foot of the above requirement, in the context of the guidelines, that the current review of building heights within the SDZ is being carried out."
- 4.1.6. Section 2 of the report states that in March 2019, the public were notified that such a review would be undertaken and inviting the public to make comments. The report summarises the 90 no. submissions received and provides the Development Agency's response to each. Further, an external consultancy was engaged to report on opportunities for extra height in the area. The external report, and the public submissions were used to inform the proposed amendments.
- 4.1.7. The development agency's report notes that the external consultancy set out 9 no. urban design performance criteria which are specifically tailored for and upon which a review of height in the area was based. The external report concludes that there is potential for a city-wide landmark building on the north-side of the Liffey, opposite the Capital One Tower and a number of local landmarks in selected locations.
- 4.1.8. The proposed amendments can be summarised as follows:
- **City Block 2:** Height addition to 8 commercial and 10 residential. Identified local landmark at Block 2B increased to 12 storeys and to be no more than one-third of the sub-block frontage. Requirement for temporary pavilions be removed (page 183) to allow permanent buildings that do not compromise future Dart underground.
 - **City Block 3:** landmark buildings at 3A and 3B should be increased 12-storey residential and to be no more than one-third of the sub-block frontage. 3BCF

setback 8-storey commercial, 10-storey residential. 3F 10-storey commercial/12-storey residential. Block 3B should be 3-storey townhouse.

- **City Block 7:** 7C, 7B and 7D to increase to 8-storey commercial / 10-storey residential with set-backs. Local landmark at corner of the Quays and New Wapping Street 40mx25m with 12-storey commercial/ 15-storey residential at SE corner. Requirement for temporary pavilions to be deleted.
- **City Block 9:** 22 / 25-storey residential tower at SE corner of CB9D. Local landmark of 12-storeys residential in the NE corner of CB9B.
- **City Block 11:** NW corner of CB11A 12-storey residential / 10-storey commercial of no more than one-third of two frontages.
- **City Block 18:** Two local landmarks at the intersection of the proposed civic space and the dock waterbody, provided they they extend to no more than 30% of the dock frontage and are for residential only.
- **City Block 19:** Local landmark at CB19. 8-storey commercial / 10-storey residential to the north of block A

4.1.9. The development agency recommends that the provision on page 223 of the Scheme be amended to take into account the Guidelines. The proposed amendments would allow the capacity of the SDZ to increase by 225 no. residential units and 22,500sq.m. commercial space while maintaining the urban structure.

4.1.10. In terms of actual amendments to the text and figures of the adopted Planning Scheme, the following are proposed:

- **Section 5.4.5:** Page 174: deletion of sentence “This option for additional storey shall not apply to Blocks 1 to 5”. Addition of sentence “This provision does not apply to any landmark or local landmark buildings.”
- **Section 6.1.2:** Page 223: deletion of sentence “~~In relation to height, any new building or additional height to existing buildings shall relate to the prevailing height as set out in the relevant city block or adjacent blocks in the Development Code.~~” Addition of sentence: “The approved amended SDZ Planning Scheme has had full regard to the Planning Guidelines on Urban Development and Building Height 2018. As such, any proposed new building replacing an existing building or additional height to existing buildings shall be

assessed in the context of the overall height in the approved amended SDZ Planning Scheme which reflect the criteria set out in the Building Heights Guidelines”.

- **Appendix3:** Page 264, deletion of sentence “~~In relation to height, any new building or additional height to existing buildings shall relate to the prevailing height as set out in the relevant city block or adjacent blocks in the Development Code~~”. Addition of “The approved amended SDZ Planning Scheme has had full regard to the Planning Guidelines on Urban Development and Building Height 2018. As such, any proposed new building replacing an existing building or additional height to existing buildings shall be assessed in the context of the overall height in the approved amended SDZ Planning Scheme which reflect the criteria set out in the Building Heights Guidelines”.
- **Section 5.5.2,2:** Page 183: Addition of two new bullet points at start: “Block 2A to be 8-storey commercial / 10 storey residential fronting onto Sheriff Street Upper”. “12 storey residential local landmarks at NE and NW corners of block 2B, to extend along no more than one third of the sub-block frontages”. New sentence added to end of third bullet point: “Western side of 2C to be 8-storey commercial / 10-storey residential. Deletion of last bullet point “~~Any temporary pavilion buildings to be up to a maximum of 4 storeys~~”.
- **Section 5.5.3:** Page 184, Addition of second bullet point “10-storey commercial / 12 storey residential local landmarks at corners 3A and 3B and must extend for no more than one-third of the length of the sub-block frontages”. Addition of text at beginning of third bullet point: “3-4 storey residential block on block 3D to provide transition with existing 2 storey terraces, stepping down to 3 storey residential immediately east of the terrace on Mayor Street Upper and to the rear of the northern end of the terrace on New Wapping Street.” New bullet point at end: “8-storey commercial / 10-storey residential setback at 3F. The north-west corner of 3F to provide a vertical modulation of up to 10-storey commercial / 12-storey residential and must extend to no more than one third of the length of the sub-block frontages.”

- **Section 5.5.7**, Page 190: First bullet point deleted: ~~“6-storey commercial / 7-storey residential in blocks 7C and D to provide balanced context for the protected structures and central Station Square.”~~ Added to end of second bullet point “To include 8-storey commercial / 10-storey residential setback from Mayor Street Upper frontage. The additional storeys to sit below a 35 to 45-degree angle inclined plane from the main parapets fronting all streets and spaces.” New bullet point “8-storey commercial / 10-storey residential element set within the central section of the western side of 7C – (comprising up to 40% of the total frontage). Deletion of fourth bullet point: ~~“6-storey commercial / 7-storey residential in Block 7D raising to 8-storey commercial to North Wall Quay with appropriate transition to the Protected Structure, the former London and North Western Hotel.”~~ Two new bullet points at end: “8-storey commercial / 10-storey residential on Block 7D, reducing to 6-storey commercial / 7-storey residential on northern frontages, part eastern frontage on New Wapping Street and north of the protected structure (former London and North Western Hotel). “12-storey commercial / 15-storey residential local landmark at corner of New Wapping Street and North Wall Quay, not to exceed 40mx25m (25m along North Wall Quay and 40m along New Wapping Street). Deletion of final bullet point: ~~“Any temporary pavilion buildings to be up to a maximum of 4-storeys”.~~
- **Section 5.5.9** Page 194: Addition of two new bullet points: “12-storey residential local landmark at the north-east corner of 9B to extend not more than 30% of the frontage to Mayor Street upper and 25% of frontage along North Wall Avenue” and “A 22/25-storey Liffey Gateway residential tower at the south-east corner of Block 9D not exceeding 25mx30m per floor.”
- **Section 5.5.11**, page 198: New second bullet point: “10-storey commercial / 12-storey residential local landmark at north-west corner of 11A, to extend no more than one-third of the length of the sub-block frontages.”
- **Section 5.5.18**, page 211: New bullet point at end: “10-storey residential local landmarks at corners of 18A and 18B, must extend for no more than one-third of the length of the sub-block frontages.”

- **Section 5.5.19**, page 213: Two new bullet points at end: “8-storey commercial / 10-storey residential local landmark to north of Block A” and “8-storey commercial / 10-storey residential local landmark at the western end of 19B, must extend to no more than one-third of the length of the sub-block frontage.”
- **Graphics Amendments Proposed:**

Figure Number	Page Number	Amendment to be made, map to be changed where relevant.
Fig. 34	176	Insert new indicative 3D model
Fig. 35	178	Insert new local landmark buildings and amend colours for city blocks with additional heights
City Block 2	182	Insert new height development codes
City Block 3	184	Insert new height development codes
City Block 7	190	Insert new height development codes
City Block 9	194	Insert new height development codes
City Block 11	198	Insert new height development codes
City Block 18	211	Insert new height development codes
City Block 19	213	Insert new height development codes (includes minor amendments to block footprints),

5.0 **Assessment of the proposed Amendments**

5.1. **Section 170A(2): Would the proposed amendments make a material change to the Planning Scheme?**

5.2. Procedurally, under Section 170A of the Act sub-section 2, the Board is required to address the question as to whether any proposed amendment to a planning scheme would constitute a material change. 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.

5.3. **Compliance with Section 170A(3)(b) criteria**

5.3.1. **Sub-section (3)(b)(i)** refers to whether or not the proposed amendments constitute a change in the overall objectives of the Planning Scheme. As noted above, the Development Agency do not consider the proposed amendments to constitute a change on the overall objectives of the scheme. Their rationale for such a conclusion is that the additional building heights are guided by the previously adopted urban design rationale.

5.3.2. Chapter 3 of the approved SDZ outlines that the scheme is based on a vision which filters down to a number of high-level themes. The stated vision is that the area will become a world-class maritime quarter with a distinctive Dublin character, a model of sustainable inner-city regeneration incorporating socially inclusive urban neighbourhoods, a diverse, green innovation-based economy contributing to the prosperity of the locality, the city and the country, all supported by exemplary social and physical infrastructure and a quality public realm integrated with the wider city. These six themes are sustainability, economic renewal and employment, quality of living, identity, infrastructure and finally movement and connectivity. Each of these themes has a set of objectives. Also, of note is the estimated that the 22ha in the Scheme could accommodate an estimated 2,600 residential units and 305,000sq.m. of commercial floorspace.

5.3.3. The proposed amendments are block specific, sometimes even building specific within a particular City Block. While they will increase the commercial floorspace and the number of residential units to be provided in the Scheme, this in itself does not

alter the overall objectives of the Scheme which was to see the regeneration of the area both for economic and social elements. I am satisfied that there will be no alteration of the overall objectives of the approved Scheme by the proposed amendments.

- 5.3.4. **Sub-section (3)(b)(ii)** refers to whether the amendments relate to already developed land. Section 1.3.2 of the Development agency's report to the Board provides a breakdown of each of the City Blocks in the SDZ. As of March 2019, blocks 1,4,5,8,12,13,and 16 are listed as complete with blocks 11, 15 and 17 substantially complete. Blocks no. 2 and 7 have commenced development and no work has commenced on block no.s 3,6,9, 18,19 and 20. The proposed amendments relate to blocks 2,3,7,9,11,18 and 19.
- 5.3.5. Block 2 is listed as having "commenced construction". No applications have been received for the western portion of the Block and applications have been approved for the eastern side. The proposed amendments to Block 2 are detailed and shown graphically in section 4.2.4 of the Development Agency's report. They relate to blocks 2A, 2B and 2C.
- 5.3.6. The Board will note that permission has been sought (ABP-305219-19) has been sought for 548 no. residential units on City Block 2. On the date of my site visit, it was evident that some work was occurring on block 2b. Block 2c was in use as a coach parking lot
- 5.3.7. The Agency state that no work has commenced in blocks 3, 9, 18 and 19. This was confirmed on the date of my site visit.
- 5.3.8. Regarding Block 7, the Agency's report states that while no applications have been received for the western portion of the block, some construction has commenced. Applications have been approved for the eastern portion and some site clearance / excavation has occurred. It is proposed to increase block 7B to 8-storey commercial / 10-storey residential, to provide an 8-storey commercial / 10-storey residential within 7C and 7D and to provide a local landmark at the corner of New Wapping Street and North Wall Quay (12/15 storeys). On the date of my site visit significant work could be seen within blocks 7b and 7d and block 7c was in use as a car rental service.

- 5.3.9. Block 11 is listed as being substantially complete except for 11a and 11c. One amendment to block 11 is proposed, namely that the north west corner of 11A be increased to a 10-storey commercial / 12-storey residential local landmark.
- 5.3.10. The Development Agency have submitted that the proposed amendments “would not relate to already developed land in the planning scheme” as they relate to undeveloped lands with the exception of some site clearance and or excavation. With the exception of blocks 7b,7d and 7c, I am satisfied that this statement is correct.
- 5.3.11. **Sub-section (3)(b)(iii)** refers to whether the amendments would significantly increase or decrease the overall floor area or density of proposed development. the proposed additional heights / local landmarks have the potential to add approx. 45,000sq.m. of floorspace which would be broken down into 22,500sq.m. of commercial space and 225 no. residential units. The Scheme as approved by the Board provided for 22ha of lands which would provide for between 305,000sq.m. commercial floorspace and 2,600 residential units. The Development Agency note in section 1.3 of their report that indicative capacity for commercial floorspace has already been exceeded and that permission has been granted for 2200 no. residential units. The proposed amendments represent an approx. increase of approx. 7% commercial floorspace and an increase of 8.6%. With regard to the impact on density, I note that the intent of the Scheme and indeed the Boards decision (modification no. 8 refers) was that plot ratio and density were not intended to be a prescriptive tool and that flexibility was to be permitted to ensure that the appropriate quantum and height of development was achieved. I am satisfied that in the context of the development of the Scheme to date, the proposed increase in floorspace is not significant.
- 5.3.12. The final criteria of the Act is **Sub-section (3)(b)(iv)** which refers to whether the proposal adversely affects or diminishes the amenity of the area.
- 5.3.13. The submission of the Development Agency is that the proposed amendments “would not adversely affect or diminish the amenity of the area that is the subject of the proposed amendment” as the proposed taller elements have been subject to shadow analysis and must comply with the quality and environmental standards of the adopted scheme. It is considered this criterion is the crux of whether the

proposed amendments are material or not. The height of Dublin city and the Docklands has been the subject of much discussion. The height of a building, both in isolation and in the impact, it has on the urban environment, is such a significant element that it is the subject of the Guidelines that have prompted this application for an amendment of the adopted scheme.

5.3.14. The section 28 status of these Guidelines is such that one can reasonably presume that development in and around the SDZ lands will be developed to a greater height, in accordance with SPPR1. Were the SDZ lands not subject to the planning scheme, any development proposals on the sites within the boundary would also be subject to the Guidelines and would likely to be developed to a greater height than envisaged in the 2014 adoption of the planning scheme. It is reasonable that SDZ lands be subject to the same guidance as other urban development land. As can be seen above, I consider the proposed amendments to be in keeping with the overall objectives and quantum of development of the approved scheme, and that the amenity of the area will not be diminished. In principal, I am minded to accept the submission of the Development Agency that complying with National Policy on a very localised scale is not a material deviation from the scheme approved by the Board in 2014. SPPR 3 of the 2018 Guidelines is clear that Development Agencies are required to review their planning scheme to ensure that the criteria of the Guidelines are fully reflected in the Scheme.

5.3.15. As part of that review the development agency underwent a public notification process of their intention to amend the scheme. An advertisement was published in a national newspaper in March 22, which elicited 90 submissions. The report submitted to the Board summarises the submission and provides the Development Agency's response. The report also includes the review of the proposed increase in building heights prepared for the development agency. This outlines the results of assessment and shadow analysis undertaken on a city block level. The conclusion is largely that the amenity of the wider area will not be affected or diminished by the proposed amendments.

5.3.16. Notwithstanding the above, it is considered that the change of a building from 6/8 storeys to 10/12 storeys is a significant change. Given the limited scope for third-party comment once a scheme has been proposed, it is considered that the assessment of individual block changes must be open to full scrutiny. I accept that

the Development Agency carried out a review and notified the public of the general intention to increase heights. However, the reality of an individual building or indeed a city block increasing significantly has entirely specific implications to those living and working on the ground in the SDZ lands. While one may support a general increase in heights across the Docklands or within the SDZ, it is the prerogative of the public to object on a building specific level, in my opinion. The site-specific impact of the proposed amendments on the wider must be subject to scrutiny not only within the development agency, the Planning Authority and the Board but, in my opinion, by the wider public.

- 5.3.17. I note the provision of section 170A(4)(b) that provides for the Board to find that the proposed amendments constitute the making of a material change to the scheme, notwithstanding that they are within the criteria set out in subsection (3)(b), then the Board may approve the making of the amendment of the Planning Scheme. The Board can only make a 4(b) determination where it is satisfied that the proposed amendments are not likely to have significant effects on the environment or on a European site. In accordance with section 170A(7) the Board must then require the Planning Authority concerned to send notice and copies of the proposed amendment of the planning scheme concerned to the Minister and the prescribed authorities, and to publish a notice of that proposed amendment in one or more newspapers circulating in the area concerned.

6.0 Section 170A(4)(a): Do the proposed amendments need to be the subject of SEA and/or AA?

- 6.1.1. Under Section 170A(4)(a) of the Act, the proposed amendments to the North Lotts and Grand Canal Planning Scheme must be screened with respect to their need for Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA). The Planning Authority has submitted reports intended to inform the screening processes in these respects.
- 6.1.2. The AA of the proposed amendments to the scheme concludes that they can be implemented successfully without having adverse effects on the integrity of Natura 2000 sites, assuming that implementation of the mitigatory objectives for the Scheme is successful.

- 6.1.3. The strategic development zone does not include any Natura 2000 sites. The planning scheme was subject to an appropriate assessment before it was made with respect to the following Natura 2000 sites, all of which are downstream of the SDZ:
- South Dublin Bay SAC 000210
 - South Dublin Bay and River Tolka Estuary SPA 004024
 - North Dublin Bay SAC 000206
 - North Bull Island SPA 004006
 - Rockabill to Dalkey Islands SAC 003000
- 6.1.4. The possibility of effects on those sites arose indirectly due to the impact of greater population on waste water infrastructure and greater recreational or other use of adjacent coastal land, and from possible emissions due to works on contaminated ground.
- 6.1.5. The proposed amendments to heights of certain blocks within the approved scheme would not change the characteristics of development in any manner that would have indirect effects on the above Natura 2000 sites, that are different to those previously addressed in the appropriate assessment of the scheme. The proposed amendments would not alter the effects that were already considered in the previous appropriate assessment. The proposed amendment would not, therefore, be likely to have significant effects on any Natura 2000 site.
- 6.1.6. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed amendment, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 003000, or any other European site, in view of the site's conservation objectives, and a Stage 2 AA is not therefore required.
- 6.1.7. The proposed amendments to the scheme were assessed against a set of environmental protection objectives that were used during the SEA and planning scheme preparation process. These are outlined in section 1.6 of the SEA report submitted to the Board with this application. The proposed amendments do not alter the impact on the originally chosen environmental receptors and so the same criteria were used for assessing the proposed amendments. The conclusion of the report is that the proposed amendments were deemed to have insignificant or no impact. The

report states that all potential adverse effects that may arise from the proposed amendments have already been considered in the measures that contribute towards environmental protection, environmental management and sustainable development that have already been integrated into the plan. The proposed amendments therefore are considered to have no impact on the identified environmental receptors.

- 6.1.8. Given the nature and scale of the proposed amendments, it is considered that the proposed amendments would not be likely to have significant effects on the environment and so a SEA of this amendment is not necessary.

6.2. Conclusion

- 6.2.1. It has been established that the nature, extent and character of the proposed amendments to the planning scheme are such that it would not be likely to have significant effects on the environment or on any Natura 2000 site. The Board should therefore consider making a determination under section 170A(4)(b) that the proposed amendments to the planning scheme constitutes the making is a material change but is within the criteria set out in subsection 3(b). Such a determination can only be made following the Planning Authority adhering to the process set out in section 170A(7).

7.0 Recommendation

- 7.1.1. That, in accordance with section 170A(7) of the Planning and Development Act 2000, as amended, Dublin City Council as the Development Agency for the North Lotts and Grand Canal SDZ is required

- a) to send notice and copies of the proposed amendment of the planning scheme concerned to the Minister and the prescribed authorities, and
- (b) to publish a notice of that proposed amendment in one or more newspapers circulating in the area concerned,

Every such notice shall state:

- (i) the reason or reasons for the proposed amendment,
- (ii) that a copy of the proposed amendment, along with any assessment undertaken according to subsection (6)(b), may be inspected at a stated place

or places and at stated times during a stated period of not less than 4 weeks, and

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

Not later than 8 weeks after giving notice the planning authority shall prepare a report on any submissions or observations received as a consequence of that notice and shall submit the report to the Board for its consideration.

Gillian Kane
Senior Planning Inspector

16 September 2019