



An  
Bord  
Pleanála

## Inspector's Report ABP-305317-19

### Development

Proposed amendment to the North Lotts and Grand Canal Dock SDZ Planning Scheme in relation to the re-siting of a proposed pedestrian/cycle bridge across the River Liffey from a position linking Forbes Street and Park Lane to one linking Blood Stoney Road and New Wapping Street and omitting one linking Britain Quay to Castleforbes Road.

### Location

North Lotts and Grand Canal Dock,  
Dublin

### Planning Authority

Dublin City Council

### Planning Authority Reg. Ref.

n/a

### Applicant(s)

Dublin City Council

### Type of Application

Amendment of SDZ Planning Scheme

### Planning Authority Decision

n/a

### Date of Site Inspection

2019

### Inspector

Hugh D. Morrison

# Contents

1.0 Introduction.....	3
2.0 The Process.....	4
3.0 Planning History.....	5
4.0 The Proposed Amendment.....	6
5.0 Section 170A(2): Would the proposed amendment make a material change to the North Lotts and Grand Canal Dock SDZ Planning Scheme? .....	13
6.0 Section 170A(5): Does the proposed amendment need to be the subject of SEA and/or AA? .....	15
7.0 Section 170A(4)(b): Would the proposed amendment make a material change to the North Lotts and Grand Canal Dock SDZ Planning Scheme? .....	16
8.0 Conclusion.....	18
9.0 Recommendation.....	18

## 1.0 Introduction

- 1.1. Under Section 170A(1) of the Planning and Development Act, 2000 – 2019, Dublin City Council (hereafter referred to as the Planning Authority) has made an application to amend the Planning Scheme for the North Lotts and Grand Canal Dock SDZ. Under this amendment, the pedestrian and cyclist bridge proposed between Spencer Dock and Forbes Street would be re-sited downstream between New Wapping Street and Blood Stoney Road. The impetus for this re-siting is to avoid any conflict with the proposed DART underground tunnel and to ensure the timely and cost-effective delivery of connectivity across the River Liffey, within a context of heightened development in the area.
- 1.2. The Planning Authority acknowledges that, while the Board turned down a similar amendment last year (PL29N.ZE0006), the rapidly changing context “on the ground” and the availability of new information has led it to apply for the currently proposed amendment.
- 1.3. The Planning Authority has submitted the following information in connection with the proposed amendment:
  - A covered letter from the City Planning Officer dated August 2019,
  - Proposed amendment to the North Lotts and Grand Canal Dock SDZ Planning Scheme in relation to revised bridge location across the River Liffey,
  - Letter from the National Transport Authority (NTA) dated 16<sup>th</sup> May 2019,
  - Dublin Docklands Area Opening Bridges: Blood Stoney Bridge (Formerly Forbes Street Bridge): Location Report dated 6<sup>th</sup> October 2017,
  - Dublin Docklands Area Opening Bridges: Forbes Street/Blood Stoney Bridge Location Review: Final Report dated 18<sup>th</sup> December 2018,
  - File Note: Docklands Bridge Traffic Modelling – Network Modelling Results dated 9<sup>th</sup> July 2019,
  - Blood Stoney Bridge -v- Forbes Street Bridge, and
  - Review of Building Height and Proposed Amendments to North Lotts and Grand Canal Dock SDZ Planning Scheme 2014, Dublin City Council, May 2019.

## 2.0 The Process

- 2.1. 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 – 2019. I set out below my understanding of this process.
- 2.2. 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)<sup>1</sup>, to amend the planning scheme in accordance with the procedures set out in Section 169 for the making of a planning scheme.
- 2.3. 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.
- 2.4. 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:
- 2.5. 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.
- 2.6. 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.

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

2.7. 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.

### 3.0 Planning History

3.1. The planning history of the North Lotts and Grand Canal Strategic Development Zone (SDZ) is summarised below:

- **PL29N.ZD2011:** The North Lotts and Grand Canal Dock SDZ Planning Scheme was approved by the Board, subject to modifications, on 16<sup>th</sup> May 2014.
- **PL29N.ZE0006:** Proposed amendment to the North Lotts and Grand Canal Dock SDZ Planning Scheme in relation to the re-siting of 2 proposed pedestrian/cycle bridges across the River Liffey:

To the east, to re-site the proposed bridge linking Britain Quay to Castleforbes Road to a position to the west of the Tom Clarke Bridge, and

To the west, to re-site the proposed bridge linking Forbes Street and Park Lane to one linking Blood Stoney Road and New Wapping Street.

The Board made a split decision on 30<sup>th</sup> October 2018 insofar as the re-sitings were dis-allowed, but the introduction of, in effect, an additional bridge to the west of the Tom Clarke Bridge was allowed as an amendment to the SDZ Planning Scheme.

The Board's stated reasons and considerations for disallowing the re-sitings were as follows:

*In relation to the Forbes Street Bridge, it is considered that location of the bridge in the Planning Scheme is an appropriate location owing to its position on a clear desire line for pedestrians and cyclists between north and south of the River Liffey, directly linking Grand Canal Square and Spencer Dock (including the existing Luas red line stop) and in the longer term offering the potential of a direct connection from south of the river to a future DART underground commuter rail station at North Wall Quay. This location has greater potential to alleviate pedestrian and cycling*

*congestion on the Samuel Beckett Bridge, compared with the proposed alternative location at Blood Stoney Road, which would not serve the pedestrian and cyclist desire lines as successfully. The Board considered that, notwithstanding the technical and cost arguments put forward in support of relocation, the existing approved position for the Forbes Street Bridge would better serve the interests and amenities of the area in the long term and would accord with the proper planning and sustainable development of the area.*

*Furthermore, the Board did not consider that the proposed new bridge at Tom Clarke Bridge would necessarily replace the bridge included in the approved Planning Scheme at Castleforbes Road. It was considered that the Castleforbes Road crossing will in itself satisfy important desire lines for pedestrians and cyclists in the vicinity and the wider area, in tandem with the build-out and occupation of the eastern area of the Docklands. It was considered that this crossing ought not be removed as an objective from the Planning Scheme, in the interest of the proper planning and sustainable development of the area.*

The Board further added that “In deciding not to accept the inspector’s recommendation to make the amendment as applied for, the Board placed weight on achieving the optimal long-term configuration of bridge crossings serving the area, as set out in the reasons and considerations above.”

- **ABP-304604-19:** Proposed amendment to the North Lotts and Grand Canal Dock SDZ 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 the application stage. (This amendment would ensure that the Planning Scheme is compliant with the Urban Development and Building Height Guidelines). It is presently with the Board.

## 4.0 The Proposed Amendment

- 4.1. The proposed amendment is to omit the proposed pedestrian and cyclist bridge between Spencer Dock and Forbes Street in favour of a pedestrian and cyclist bridge further downstream to the east between New Wapping Street and Blood

Stoney Road. This amendment would entail several textual and graphical alterations to the Planning Scheme for the North Lotts and Grand Canal Dock (NLGCD) SDZ<sup>2</sup>.

4.2. The Planning Authority acknowledges that the Board turned down its proposed amendment when it was presented under PL29N.ZE0006. However, it draws attention to the following recent changes in the broad planning and development context of docklands, which, in its view, have a bearing upon this amendment:

- The SDZ is being developed rapidly: Thus, of the 2,600 residential units envisaged, permissions for 2,200 now exists, and commercial floorspace of 305,000 – 366,000 sqm has been exceeded “on the ground”.
- Under other proposed amendments to the Planning Scheme (ABP-304604-19), the provisions of the Urban Development and Building Heights Guidelines would be applied and so the prospect exists of a greater density of development again within the SDZ.
- To the south east, the recently approved Poolbeg West SDZ Planning Scheme would have a target population of 8,000. On the development of one third of this SDZ, a pedestrian, cycle, and bus bridge would be constructed over the mouth of the River Dodder between York Road and Britain Quay.

These changes combine to make the provision of facilities for sustainable transport options in the NLGCD SDZ more pressing.

4.3. The Planning Authority interacts with the reasons and considerations that led the Board to turn down the proposed amendment previously. Thus,

(i) Concern was expressed that Forbes Street is on a clear and direct pedestrian desire line between Grand Canal Square and Spencer Dock, with the potential to connect with the future DART underground station that would be sited therein.

- The NTA has advised the Planning Authority<sup>3</sup> that, following a Ministerial Statement on 22<sup>nd</sup> September 2015, the DART underground project is to be redesigned to provide a lower cost technical outcome. The NDP 2018 – 2027 added that the route of this project is to be “established and protected to allow for

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<sup>2</sup> Refer to Appendix 1 of the document entitled “Proposed amendment to the North Lotts and Grand Canal Dock SDZ Planning Scheme in relation to revised bridge location across the River Liffey.”

<sup>3</sup> The NTA’s letter is dated 16<sup>th</sup> May 2019.

its future delivery.” Consequently, the NTA intends to undertake a full re-evaluation of options with a view to finalising upon a route for construction after 2027.

- In the light of the foregoing, the NTA states that it cannot be assumed that the location of the DART underground station will remain in Spencer Dock. That said, given the need for an underground tunnel to connect with the existing railway, the likelihood is that this tunnel would continue to be proposed for the vicinity of Forbes Street. Thus, if a bridge were to be built there, it would significantly constraint any re-evaluation exercise. The NTA is, therefore, of the view that such a bridge should not proceed in advance of the finalisation of a route.
- If the Forbes Street Bridge were to proceed in advance of the said finalisation, then the risk would exist that it would clash with the optimum route of the underground tunnel and so it would be likely to be cheaper to remove this bridge, resulting in an unjustifiable cost to the exchequer.
- The NTA is, therefore, opposed to the proposed pedestrian and cyclist bridge at Forbes Street.
- Prior to receiving the above advice from the NTA, the Planning Authority commissioned a report from consultants entitled “Forbes Street/Blood Stoney Road Bridge Location Review.”<sup>4</sup> This Review highlighted difficulties with the Forbes Street location that would be overcome by the Blood Stoney Road one. Thus,
  - The Planning Scheme for the SDZ does not explicitly consider the interaction between the proposed Forbes Street Bridge and the proposed DART underground tunnel. Nevertheless, it does state that any such bridge shall not “compromise the integrity of, or adversely impact on the DART underground line.” Preliminary studies for this bridge identified significant technical and procedural challenges relating to the said interaction and so, at the request of the NTA, these studies have been suspended. By contrast, preliminary design

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<sup>4</sup> This report is dated 18<sup>th</sup> December 2018.



and site investigations are on-going with respect to the Blood Stoney Road location.

- Under PL29N.ZE0006, the Planning Scheme for the SDZ was amended to show an additional pedestrian and cyclist bridge, The Point Bridge, which would be on the upstream side of the Tom Clarke Bridge. In the presence of this Bridge, traffic modelling shows that the need for the proposed Castleforbes Street Bridge has lessened, and so the optimum position for a new pedestrian and cyclist bridge would be at Blood Stoney Road.
- The DART underground project is presently under review by the NTA. Accordingly, it has no promoter/designer with which to agree on design criteria for the Forbes Street Bridge and so to proceed in the absence of such agreement would risk compromising or, at least, complicating any subsequent tunnel design exercise. Prior to this review, a study for the Forbes Street Bridge was undertaken that identified a suitable design based on what at the time was a clear understanding of the route of the DART underground tunnel. With the said review, this understanding is no longer in place.
- While it is acknowledged that the Forbes Street Bridge would provide the quickest crossing between Grand Canal Dock and Spencer Dock, the difficulties attendant upon the provision of this Bridge now point to Blood Stoney Road as being the better location. Thus, this location would avoid these difficulties, and in the light of the lower demand for the proposed Castleforbes Road Bridge, it would ensure a more uniform spacing between the existing Samuel Beckett Bridge and the proposed Point Bridge, i.e. 370m and 500m, respectively.
- The review cites examples of risks that could arise were the proposed Forbes Street Bridge and the DART underground tunnel to proceed independently of one another. Thus,

To avoid the tunnel, the alignment of the bridge may need to be altered in relation to the connecting streets to the north and to the south, thus introducing an incoherence to its siting when viewed at surface level.

The construction of the tunnel may lead to ground movements that would cause detrimental differential settlements to any bridge already in-situ.

Given that this bridge would be an opening one, it would be particularly sensitive to such settlements. Geotechnical conditions and the limited scope for compensatory measures to accompany boring would complicate further any quest to minimise settlements. Irish Rail has responded to these issues by advising that the toes of the bridge piles should extend beneath the invert of the proposed tunnel(s). They would thus need to be deeper than structurally necessary for the bridge, thus adding appreciably to construction costs.

- Tables 2.1 and 2.2 of the Forbes Street/Blood Stoney Road Bridge Location Review set out a risk analysis for the bridge and for the tunnel under best case/probable/worst case scenarios, along with corresponding costs.
- By contrast, the proposed Blood Stoney Bridge would avoid all the above cited difficulties associated with an overlapping site. This Bridge would effectively substitute for the proposed Forbes Street and Castleforbes Street Bridges, while realising their underlying purpose, i.e. “To provide an architecturally sensitive opening pedestrian and cyclist bridge linking the north and south docklands.”
- Traffic modelling of pedestrian movement during the morning peak over the existing Samuel Beckett Bridge (2017 Survey) and the proposed Blood Stoney Bridge indicates that the former Bridge is already operating at an unacceptable Level of Service (LoS) and that in the absence of the latter Bridge, this would deteriorate further, i.e. from 2,841 to 4,315 in 2035. However, in the presence of the proposed bridge, the existing one would recover an acceptable LoS, i.e. 1,975, while this proposed bridge would experience pedestrian flows of 3,935, which it would be capable of handling.
- More recent traffic modelling<sup>5</sup> facilitates a comparison between the deflection of pedestrian movements from the existing Samuel Beckett Bridge (3,427 pedestrians in 2019 Survey) under the alternative scenarios of the proposed Forbes Street and Blood Stoney Bridges. (If the existing bridge remained the only one, then pedestrian flows would rise to 4,932, i.e. a suppressed flow due

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<sup>5</sup> Refer to Table 5.3 in the “File Note: Docklands Bridge Traffic Modelling – Network Modelling Results dated 9<sup>th</sup> July 2019.”

to the constraints imposed by this bridge). In the former case, pedestrian flows during the morning peak in 2035 are predicted to be 4,390 on the Forbes Street Bridge and 2,046 on the Samuel Beckett Bridge, and, in the latter case, 4,326 on the Blood Stoney Bridge and 2,390 on the Samuel Beckett Bridge. Thus, a comparison between the predicted pedestrian flows on the two proposed bridges, as alternatives, indicates only a nominal difference.

- If the location of the proposed Spencer Dock DART underground station is retained under the NTA's review, then the proposed Blood Stoney Bridge would be only 100m further away from it than the proposed Forbes Street Bridge, i.e. a difference of 80 seconds walking time.
- Other locational advantages include the avoidance of any interference with Bord Gais' ground installation, the Diving Bell, or the berthing facilities of the MV Cill Airne restaurant. Furthermore, the quay levels at Blood Stoney Road are c. 250 mm higher than at Forbes Street, thereby easing approach gradient requirements to mitigate the risk of flooding.

(ii) Concern was expressed that the proposed Forbes Street Bridge has greater potential than the proposed Blood Stoney Bridge to alleviate pedestrian and cyclist congestion on the existing Samuel Beckett Bridge.

- While it is acknowledged that the proposed Forbes Street Bridge would deflect a greater number of pedestrians from the existing Samuel Beckett Bridge than would the proposed Blood Stoney Bridge, the deflection onto this latter bridge would still be enough to ensure that the LoS on the existing bridge would return to an acceptable level. Furthermore, in the absence of the proposed Blood Stoney Bridge, the present unacceptable and deteriorating LoS on the existing bridge would be perpetuated until at least 2029.
- The configuration of the existing Samuel Beckett Bridge, particularly its junction with Sir John Rogerson's Quay, is such that conflict between drivers, pedestrians, and cyclists arises at present and, with traffic growth, this conflict is likely to increase in frequency. It is also likely to have a dampening effect on bicycle usage, at a time when cycling facilities are being provided in the surrounding area, e.g. the proposed Dodder Greenway, which will be bridged across either the Grand Canal or the Dodder River to connect with the south docklands at

Britain Quay. The need for the proposed Blood Stoney Bridge to relieve the said conflict and to capitalise on these facilities is thus highlighted, as is the opportunity that would be afforded, thereby, to separate out hard and soft traffic in surrounding streets.

- The Dublin Docklands Area Opening Bridges: Blood Stoney Bridge (Formerly Forbes Street Bridge): Location Report<sup>6</sup> echoes many of the locational advantages of Blood Stoney Bridge cited above. In addition, it emphasises that, with the greater distance from the existing Samuel Beckett Bridge than would be afforded by the Forbes Street Bridge, would come an increase in architectural freedom to design a bridge with its own identity rather than one that would be “in the shadow” of the existing one.

(iii) Concern is expressed that, notwithstanding the technical and cost arguments put forward, the Forbes Street location would better serve the interests and amenities of the area.

- Attention is drawn to the eastwards shift in docklands development and with this the logic of re-siting any proposed new bridge from Forbes Street to Blood Stoney Road. Attention is also drawn to the public consultation exercise that the Planning Authority held, under PL29N.ZE0006, which registered considerable support for this re-siting.
- With respect to amenities, the proposed bridge would be a new amenity in its own right both by means of its attractive design and the vantage point that it would provide for new views of the River Liffey. Opportunities would also exist to improve the public realm within its vicinity along the Campshires.

4.4. Notwithstanding the above case for the proposed amendment, the Planning Authority has also submitted a document entitled Blood Stoney Bridge -v- Forbes Street Bridge, which compares the cost of providing the former bridge (€15,767,678) over against the cost of providing the latter bridge under best case/probable/worst case scenarios (€18,558,763 / €25,338,763 / €49,978,763). Given the NTA's definitive position that any bridge at Forbes Street should not precede until a

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<sup>6</sup> This draft report is dated 6<sup>th</sup> October 2017.

finalised route for the DART underground tunnel has been confirmed, the worst-case scenario is now the most likely.

## **5.0 Section 170A(2): Would the proposed amendment make a material change to the North Lotts and Grand Canal Dock SDZ Planning Scheme?**

- 5.1. Under Section 170A(2) of the Planning and Development Act, 2000 – 2019, (hereafter referred to as the Act), the Board must make a decision as to whether or not the proposed amendment to the NLGCD SDZ Planning Scheme would make a material change to this Planning Scheme. In this respect, a criteria is set out in Section 170A(3) of the Act against which this proposed amendment can be assessed. If it would fail to satisfy either one or more of the following criteria, then the proposed amendment would entail a material change.
- 5.2. The first criterion is that it would not constitute a change in the overall objectives of the planning scheme concerned.
- 5.3. Chapter 3 of the NLGCD SDZ Planning Scheme sets out a series of high-level themes, one of which is entitled “movement and connectivity”. The accompanying commentary states that this theme is key to the delivery of four other themes, i.e. sustainability, economic renewal and employment, quality of living, and identity. Connectivity is conceived of as extending “not only westwards into the city centre, but north and south”, i.e. across and along the water bodies comprised in the SDZ. It is also conceived of as “making a safe and efficient public realm which caters for walking, cycling, public transport and the car” within the SDZ.
- 5.4. In Chapter 4 movement is discussed in detail and Objectives are drawn up accordingly. The following Objective is of particular relevance to the proposed amendment: “MV3: To provide additional cycle and pedestrian bridges across the canals and rivers in the SDZ to form part of strategic cycling and walking routes.”
- 5.5. The proposed amendment would entail the provision of a pedestrian and cyclist bridge across the River Liffey at Blood Stoney Road rather than Forbes Street. This amendment would thus be consistent with the Planning Scheme’s commitment to the provision of additional such bridges, the only change being one of location.

- 5.6. The second criterion is that it would not relate to land already developed in the planning scheme.
- 5.7. The proposed amendment is for the re-siting of a proposed pedestrian and cyclist bridge across the River Liffey from Forbes Street to Blood Stoney Road. As such this amendment would not relate to land already developed in the NLGCD SDZ, although it would have a bearing on pedestrian and cyclist movement within the SDZ and hence the relative accessibility of development.
- 5.8. The third criterion is that it would not significantly increase or decrease the overall floor area or density of proposed development.
- 5.9. The proposed amendment is for a bridge and so questions of building floor area or density of proposed development do not arise.
- 5.10. The fourth criterion is that it would not adversely affect or diminish the amenity of the area that is the subject of the proposed amendment.
- 5.11. The proposed amendment is for the re-siting of a proposed pedestrian and cyclist bridge across the River Liffey from Forbes Street to Blood Stoney Road. Under this amendment, the crossing point at Forbes Street would remain as it is at present, i.e. an uninterrupted stretch of the River Liffey with quayside features retained in-situ, e.g. Bord Gais' ground installation and the Diving Bell on the southside and the berthing facilities of the MV Cill Airne restaurant on the northside. The revised crossing point at Blood Stoney Road would feature a new bridge, which it is envisaged would be of attractive architectural design and, amongst other things, it would provide a new vantage point for viewing the River Liffey. Its presence would afford a comparable level of amenity to pedestrians and cyclists as the originally proposed crossing point at Forbes Street.
- 5.12. In the light of the above discussion of the proposed amendment, I conclude that, under Section 170A(2) of the Act, it would not make a material change to the NLGCD SDZ Planning Scheme.

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

- 6.1. Under Section 170A(5) of the Act, the proposed amendment to the NLGCD SDZ Planning Scheme must be screened with respect to the need for Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA). The Planning Authority draws attention to the fact that this Planning Scheme was the subject of SEA and AA and it expresses the view that, as the proposed amendment would relate only to the re-siting of a proposed bridge a short distance downstream of its existing proposed siting, the impacts arising would be comparable to those that were already addressed under the said SEA and AA exercises. Thus, the need for SEA and AA now does not arise.
- 6.2. I recognise that the re-siting in question is c. 100m downstream and that the re-sited bridge would span a similar width of the River Liffey between comparable stretches of quayside. Given these commonalities, I concur with the Planning Authority's view that, effectively the same environmental impact would occur from its construction and operation, and so the need for a new SEA does not arise.
- 6.3. Dublin Bay contains the following Natura 2000 sites:
- South Dublin Bay SAC 000210,
  - South Dublin Bay and River Tolka Estuary SPA 004024,
  - North Dublin Bay SAC 000206,
  - North Bull Island SPA 004006, and
  - Rockabill to Dalkey Islands SAC 003000.
- 6.4. Each of these sites is downstream of the proposed bridge crossing of the River Liffey at Blood Stoney Road. Given the above cited commonalities between the bridge now proposed and the one it would replace in the existing Planning Scheme, its impact would be effectively the same as its predecessor's. The AA exercise conducted with respect to this Planning Scheme did not attribute any direct or indirect significant effects to any of the said Natura 2000 sites from the proposed Forbes Street Bridge. And so, in these circumstances, I consider that the proposed bridge would not be likely to have any significant effects upon the Conservation Objectives of these sites.

6.5. I conclude that, under Section 170A(5) of the Act, the proposed amendment does not need to be the subject of SEA or AA.

**7.0 Section 170A(4)(b): Would the proposed amendment make a material change to the North Lotts and Grand Canal Dock SDZ Planning Scheme?**

7.1. In the light of my discussion under Section 170A(2) of the Act above, I have concluded that the proposed amendment would not entail a material change in the NLGCD SDZ Planning Scheme under the criteria set out under Section 170A(3). Under Section 170A(4), the possibility that this amendment may still constitute a material change arises. By a process of deduction, this possibility would appear to arise if it would not constitute a change of a minor order.

7.2. Under Section 170A(4)(a), a proposed amendment can be a change of a minor order if it does not require to be the subject of SEA and/or AA. I have concluded that this is indeed the case in this instance.

7.3. Under PL29N.ZE0006, the Board took the view that the proposed amendment would constitute a material change NLGCD SDZ Planning Scheme. This amendment was more wide ranging than the re-siting now proposed. However, central to the split decision that ensured was the contention that the re-siting that is now proposed again should not proceed. Essentially, the Board considered that, notwithstanding the technical and cost arguments in support of re-siting, the originally proposed site should be retained as the one that reflects a clear north/south desire line between Grand Canal Dock and Spencer Dock, where there is a stop on the Luas Red Line and where a DART underground station may well be located in the future.

7.4. During my site visit, I observed the said desire line, which runs along Grand Canal Quay, the quay on the western side of the Grand Canal Basin that passes Grand Canal Square and the Bord Gais Energy Theatre. The north/south axis of this Quay continues along Forbes Street, a wide street, to the north, which connects with Sir John Rogerson's Quay. Pronounced pedestrian and cyclist movement occurs along Grand Canal Quay in both northerly and southerly directions. For those approaching from the city centre along Pearse Street, this Quay acts as the gateway to docklands. In this respect, the sixteen-storey pencil-like building at the junction



between this Street and Quay, acts as a landmark/destination building, and it additionally acts as such a building for those travelling in a southerly direction along Forbes Street/Grand Canal Quay.

- 7.5. The proposed Blood Stoney Bridge would require pedestrians/cyclists to divert eastwards either from Grand Canal Square along Hanover Quay and along Blood Stoney Road or from Forbes Street along Sir John Rogerson's Quay. The legibility of the former diversion would be hampered by the presence of a row of older buildings along the quayside, which limit the visibility of the junction between Hanover Quay and Blood Stoney Road. The latter diversion would compete with the option of using the existing Samuel Beckett Bridge.
- 7.6. During my site visit, I also observed pedestrian and cyclist usage of the Samuel Beckett Bridge and the onward northern route that this Bridge affords along Guild Street and Sheriff Street Upper to the existing Docklands Railway Station. (This route is 0.8 km long from Forbes Street). The proposed Forbes Street Bridge would afford a more direct route to this Railway Station from Forbes Street than exists at present (0.6 km), whereas the proposed Blood Stoney Bridge would afford a longer route from this Street than exists at present (0.9 km).
- 7.7. The Planning Authority has stated that, if the Spencer Dock Underground DART Station were to proceed in the site earmarked for it, then the re-sited bridge would add only 100m to the route to this Station and, by the same, taken the existing Spencer Dock Stop of the Luas Red Line.
- 7.8. In the light of the above observations and information, I consider that the proposed amendment would entail a revision of the envisaged bridge crossing routes of the River Liffey, which would have implications for the level and pattern of pedestrian and cyclist movements and the legibility of routes through particularly the southern docklands and hence the take-up of usage of the proposed bridge and the extent of deflection of usage from the existing Samuel Beckett Bridge. Accordingly, this amendment would, in my view, be of a greater order than simply that of a minor change to the NLGCD SDZ Planning Scheme.
- 7.9. Under Section 170A(7), before the Board can make a determination under Section 170A(4)(b), the Planning Authority must notify the Minister and the prescribed bodies of the proposed amendment and undertake a public consultation exercise on the

same. Under Section 170A(8) & (9), the Planning Authority must prepare a report on these notification and public consultation exercises and submit it to the Board.

- 7.10. I am conscious that, under PL29N.ZE0006, similar notification and consultation exercises were undertaken and that to repeat these now may appear to duplicate that which has already taken place. Nevertheless, as the proposed amendment is one in its own right, Section 170A requires that these exercises be undertaken.
- 7.11. I am conscious, too, that the Planning Authority is concerned that a delay in the provision of a new pedestrian and cyclist bridge is not without consequences in terms of the over usage of the Samuel Beckett Bridge and the discouragement of a greater take-up in walking and cycling, as sustainable transportation modes, within the NLGCD SDZ. Such delay could extend to 2027. Thus, there is a tension between the short/medium term need to provide a pedestrian/cyclist bridge and the long-term need, identified by the Board in its split decision on PL29N.ZE0006, to ensure that the optimum location for such a bridge is not forfeited. Clearly, all these considerations can be weighed by the Board, once the requirements of Section 170A(7 - 9) have been attended to.

## **8.0 Conclusion**

- 8.1. I conclude that the proposed amendment would not constitute a material change to the NLGCD SDZ Planning Scheme, under Section 170A(2) and that it would not need to be the subject of SEA and/or AA. I conclude, too, that this amendment would not be a minor change to the NLGCD SDZ Planning Scheme and so, under Section 170A(4)(b) of the Act, it needs to be the subject of notification and public exercises, as specified under Section 170(A)(7), before the Board makes a determination upon the proposed amendment under Section 170A(4)(b).

## **9.0 Recommendation**

- 9.1. That the Planning Authority be required to undertake the notification and consultation exercises specified under Section 170(A)(7) of the Planning and Development Act, 2000 – 2019, and that a report on these exercises be, subsequently, submitted to the Board, as specified by Section 170A(8 & 9) of this Act.

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Hugh D. Morrison  
Planning Inspector

28<sup>th</sup> November 2019