



An  
Bord  
Pleanála

# Inspector's Report

**ABP-310446-21**

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## Development

Alterations to the terms and permission granted for the development of the National Paediatric Hospital Development Project, An Bord Pleanála Reference No. PL29S.PA0043

## 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 29N.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 number of previous requests have been made under Section 146B (Ref. 29S.PM0012 & ABP-304520-19) which sought to amend the permitted development at the St James hospital site. These were determined by the Board on 15 September 2017 and 12 August 2019, respectively, not to comprise a material alteration. As outlined below, a number of other Section 146B applications have been made in respect of the Satellite Centres at Connolly Hospital and Tallaght Hospital which were also approved by the parent permission.
- 1.3. The requester is now submitting this request, received by An Bord Pleanála on 9 June 2021, 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. 29N.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. Permitted Section 146B Applications on the St. James Hospital Site

**ABP-304520-19** - It was determined by the Board on 12 August 2019 that amendments to the permitted development in respect of alterations to internal floor areas, elevations and façade, roof plan and external landscaping were not material.

**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.

## 2.3. Satellite Centres at Connolly and Tallaght Hospitals

It should be noted that a number of Section 146B applications have been made in respect of the parent permission which relate to the Connolly (ABP-301694-18) and Tallaght (ABP-306749-20) Satellite Centres.

## 3.0 Proposed Changes

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

### 3.1. Alteration to Landscape Design

- The changes which are outlined in drawings NPH-L-BDP-PL-00-ST-9002 & NPH-L-BDP-PL-07-ST-9002 comprise:
- Re-arrangement of the proposed materials for the meadow garden roof and hard standing to the facility and a reduction in the area of the internal courtyards at Level 01.
- Re-arrangement of the layout of the Sky/Rainbow at Level 04 retaining the permitted number of trees.
- Details are also provided in the Landscape Design Summary Report.

### 3.2. Alteration to Artwork

- Erection of two 'Dandelion' art sculptures at the two entrances to the hospital – the Rialto entrance and the Main entrance plaza.
- The sculpture at the Rialto entrance is a single 'stem' structure of c.6.75m.

- The sculpture at the Main entrance is a twin 'stem' structure one of which is c.6.75m and the higher stem c.8.75m.
- These sculptures are being utilised as a symbol of the facility with previous 146B's having requested similar sculptures are erected at the entrances to the satellite centres in Connolly and Tallaght.
- Details/Images are included at Appendix VII and VIII and drawings in Appendix I

### 3.3. **Alteration to Rialto Entrance Plaza**

- Change to the paving at this entrance to granite linking to the Linear Park.
- The change is outlined in drawing NPH-L-BDP-PL-00-ST-9002.

### 3.4. **Alteration of Main Entrance Plaza**

- Changes to the kerbing, change the paving to granite and omit the water fountain.
- The change is outlined in drawing NPH-L-BDP-PL-00-ST-9002.

### 3.5. **Alteration to FM Tunnel**

- Proposed to provide access to the facilities management tunnel at the north-eastern corner of the facility.
- The change is outlined in drawings NPH-L-BDP-PL-00-ST-9002.

### 3.6. **Alteration to New Moat Bridge**

- Reconfiguration of the north elevation of the moat bridge to provide a new escape route.
- The change is outlined in drawings NPH-L-BDP-PL-00-ST-9002.

### 3.7. **Alteration to Helipad**

- Revise layout of the helipad in accordance with landscaping alterations on Level 04 comprising the reconfiguration of the ramp at the top of the helipad and a reduction in the size of the helipad.
- Rational for reconfiguration in resize is to facilitate the design of a specific helicopter.
- Layout reduced from permitted 28m x 28m to proposed 26.4m x 26.4m.
- Alterations do not affect intended flight path, noise and vibration levels, lighting, frequency of use or position.

- The change is outlined in drawings NPH-L-BDP-PL-07-ST-9002 and report at Appendix VI.

### **3.8. Alteration to Emergency Department Canopy**

- Increase height of the emergency department canopy on eastern side of new facility to allow for emergency vehicles to pass under safely.
- Drawings NPH-L-BDP-PL-00-ST-9002, NPH-A-BDP-DR-00-ZZ-2706-1301, NPH-A-BDP-DR-00-ZZ-2706-1302, NPH-A-BDP-DR-00-ZZ-2706-7001, NPH-A-BDP-DR-00-ZZ-2706-7002 refer.

### **3.9. Alteration to Traffic Management**

- Modification of the roundabout servicing the Emergency Department in line with relevant design requirements.
- Four additional parking spaces (incl. 2 disabled spaces) to service Emergency Department.
- Revisions to traffic management barrier system.
- Provision for a dedicated right running lane into the basement car park from the North Access Road.
- Revised layout of bus stop west of facility with provision of controlled pedestrian crossing.
- Revised layout of main entrance plaza including raised road platform and uncontrolled pedestrian crossings.
- Traffic management changes are outlined in the Traffic and Transport Statement (Appendix V).
- Also noted that applicant continuing to engage with DCC with consultations ongoing regarding the development of the junction at Brookfield Road and South Circular Road as part of planning condition 7.

## **4.0 Requester's Submission**

The submission is accompanied by the following:

- Proposed Drawings – Appendix I
- Permitted Drawings – Appendix II
- Appropriate Assessment Screening Report – Appendix III

- Landscape Design Summary Report – Appendix IV
- Traffic and Transport Statement – Appendix V
- Helipad Report – Appendix VI
- CHI Public Art Programme - Appendix VII
- Dandelion Clock Images - Appendix VIII
- Letter of Urgency - Appendix IX

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 in response to evolving clinical operational policies, internal environmental requirements, compliance with fire safety certificate, co-ordination and buildability issues.
- Such refinement requires changes to the permitted development within the parameters of the overall permission.
- Draw Boards attention to urgency of request and request application is given priority.
- 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 decision to grant permission for the new hospital with new policy context relevant 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 (Appendix III) 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.

- Parent permission and previous Section 146B requests (outlined above) detailed with reference to Section 146B requests related to the Connolly Hospital (ref. ABP-301694-18) and Tallaght Hospital (ABP-306749-20) Satellite Centres both of which were not considered material.
- Submission details the proposed amendments (outlined in Section 3 above) with proposal related to the landscape design including minor amendments to the use of artwork, signage, emergency department canopy and road crossings.
- 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 considered 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.
- Proposal alterations primarily located within permitted envelope of site providing for minor changes to the public realm and traffic management on site;
- Overall scale of building largely unchanged with envelope of permitted development retained;



- No effect on architectural heritage of the area;
- 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;
- Accords with proper planning and sustainable development of the area.
- No effect on traffic levels in vicinity of site as only minor amendments to road crossings, ED car park and general traffic system with traffic movements remaining unchanged;
- 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.
- Not anticipated, given relatively minor nature of the proposed alterations that there would be an impact on either local or wider landscape values.
- Considered that original development description continues to accurately represent the scheme lending weight to view that alterations are not material;
- If Board decide that proposed alterations are material under provisions of Section 146B they must also determine whether extent and character of alterations requested would be likely to have significant effects on the environment.
- Information outlined which it is considered is sufficient for Board to determine that proposed alterations would not be likely to have significant effects with Schedule 7 of PD Regs outlined.
- In respect of Section 7A the proposal is considered as follows.
- 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.
- Cumulatively the proposed alterations and overall project will not exceed those impacts set out and further significant effects are not expected with risks of pollution or other effects considered in detail in original EIS.

- Proposed alterations located within grounds of Campus and entirely within the site of permitted application which is not in an environmentally sensitive location.
- No significant effects identified under criteria above with 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, now population and human health, with no impact on residential amenity.
- Not anticipated that proposed alterations will lead to a material increase in construction traffic and at operational stage but will serve to improve the operation of traffic within and surrounding the campus.
- No impact on soils and geology or hydrogeology and hydrology with significance of effect low.
- 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 with adherence to mitigation measures and management of waste as per the C&DWMP.
- 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 does not alter the conclusions of the landscape and visual impact as set out in the original EIS.
- No recorded archaeological monuments within or in immediate environs of site with proposals in original EIS continuing to apply. Proposed alterations do not impact on areas of interest of the two recorded monuments within the campus.
- 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.
- Request portion of fee should be refunded on basis of limited nature of alterations, likely processing time by board personnel, role of applicant in delivering NPH and nature of the development itself.

- Concluded that proposed alterations are necessary and are not material by reason of minimal impact on envelope of development.
- Request priority given to consideration of application.

## 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.

#### **Alteration to Landscape Design**

Firstly, it is proposed to make some changes to the landscape design for the proposed facility. These are outlined in drawings NPH-L-BDP-PL-00-ST-9002 & NPH-L-BDP-PL-07-ST-9002. The alterations include the re-arrangement of the proposed materials for the meadow garden roof and hard standing to the facility and a reduction in the area of the internal courtyards at Level 01. It is also proposed to re-arrange the layout of the Sky/Rainbow at Level 04 retaining the permitted number of trees.

- 6.1.2. I would note that the alterations proposed to the landscape design do not result in impacts arising in addition to those previously assessed under PA0043 in terms of landscape or visual amenity. The subject alterations take place within the building envelope. The proposal does not result in the expansion of the outer footprint of the hospital as granted or resulting additional internal space. The alterations to the internal courtyards is to facilitate the ventilation system and to realign the design to facilitate safe access. The proposed alterations to the courtyard on L00 is equally minor in nature and required to facilitate the ventilation system. The alterations to the

sky/rainbow gardens comprise changes to the layout of paths and planting with the southern section incorporating changes to the helipad which is discussed separately below. The landscape planning design summary report submitted provides a comparison of the permitted and proposed.

- 6.1.3. I am of the opinion, having considered the alterations to the landscape design and having considered the proposal as granted under PA0043, that the Board would not have determined 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 landscape design subject of this request do not constitute the making of a material alteration of the development as granted under PA0043.

### **Proposed 'Dandelion' sculptures**

- 6.1.4. As referenced in the request, the requester has sought, as part of 146B applications at the satellite centres, to incorporate artwork at the entrances to the facility which have a unifying theme. Within the subject proposal it is proposed to erect two 'Dandelion' art sculptures, one at each of the two entrances to the hospital – the Rialto entrance and the Main entrance plaza, in order to define the identity of the satellite centres as part of the overall CHI facility and to improve the experience of those attending. While the applicant has not provided any detail on the dimensions of same in their written statement, but the drawings note that the single sculpture comprises a 6.75m high single stalk element with a curve culminating in a spherical sculpture head, 400mm in diameter with 42 prism stems. The double stem comprises a single stalk as previous and a second 'stalk' which is c. 2.2metres higher with 450mm diameter head with 50 prism stems. I consider that the sculptures will have a positive visual impact and act as an identifying feature for the overall facility creating an identifiable symbol for those attending. I would note that the inclusion of such sculptures in the Section 146B applications at the satellite centres was not considered material. Therefore, the Board has already established that an alteration to a previously approved scheme that entails the provision of the proposed sculptures, can be facilitated under s.146B.

- 6.1.5. Therefore, I do not consider that the Board would not have determined PA0043 differently had the proposed sculptures now proposed in the requested alterations formed part of PA0043 at that application stage. I consider it reasonable to conclude that the proposed requested dandelion sculptures subject of this request does not



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

#### **Alteration to Rialto Entrance Plaza**

- 6.1.6. The proposed alteration to the Rialto Entrance Plaza comprises a change to the paving at this entrance to granite linking it to the Linear Park. This is a minor revision to the treatment of the public realm creating a more consistent approach.
- 6.1.7. I am of the opinion, having considered the alterations to the Rialto Entrance Plaza and having considered the proposal as granted under PA0043, that the Board would not have determined 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 Rialto Entrance Plaza subject of this request do not constitute the making of a material alteration of the development as granted under PA0043.

#### **Alteration of Main Entrance Plaza**

- 6.1.8. The proposed alteration to the main entrance plaza comprises changes to the kerb alignment, change the paving from Irish limestone to granite and omit the water fountain features. Again, I consider that the proposed alterations are a minor revision to the treatment of the public realm outside of the main entrance and will not have a material bearing on the proposed development.
- 6.1.9. I am of therefore of the opinion, having considered the alterations to the Main Entrance Plaza and having considered the proposal as granted under PA0043, that the Board would not have determined 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 Main Entrance Plaza subject of this request do not constitute the making of a material alteration of the development as granted under PA0043.

#### **Alteration to FM Tunnel**

- 6.1.10. The Facilities Management (FM) tunnel was permitted as part of the original application. It is now proposed to provide an additional access to the tunnel at the north-eastern corner of the facility. This is a minor alteration and given its use for the internal functioning of the facility is not one which will affect the public.
- 6.1.11. I am of therefore of the opinion, having considered the alterations to FM tunnel and having considered the proposal as granted under PA0043, that the Board would not

have determined 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 FM tunnel subject of this request do not constitute the making of a material alteration of the development as granted under PA0043.

### **Alteration to New Moat Bridge**

6.1.12. There is a slight discrepancy between the language used in the written statement which describes this alteration as the reconfiguration of the north elevation of the moat bridge to provide a new escape route and the drawing which references an additional moat bridge. Both relate to means of escape. Notwithstanding, I consider both would be minor in nature but given the drawings submitted with the application that the alteration should be that which is set out in the drawing and therefore the alteration is a new moat bridge. Given the minor nature of the proposed alteration, I am of the opinion, having considered the alterations to provide a new moat bridge and having considered the proposal as granted under PA0043, that the Board would not have determined 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 provide a new moat bridge subject of this request do not constitute the making of a material alteration of the development as granted under PA0043.

### **Alteration to Helipad**

6.1.13. I referenced the helipad in respect of the landscape design on Level 04 above. In relation to the helipad itself, it is proposed to revise the layout of same with the reconfiguration of the ramp at the top of the helipad and a reduction in the size of the helipad from the permitted 28m x 28m to proposed 26.4m x 26.4m. The rationale provided for the reconfiguration in resize is to facilitate the design of a specific helicopter and it is clarified that the alterations do not affect intended flight path, noise and vibration levels, lighting, frequency of use or position. The changes to the helipad are minor in nature and the landscape design outlined above addresses the design of same.

6.1.14. Given the minor nature of the proposed alteration, I am of the opinion, having considered the alterations to the helipad and having considered the proposal as granted under PA0043, that the Board would not have determined 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 helipad subject of this request do not constitute the making of a material alteration of the development as granted under PA0043.

### **Alteration to Emergency Department Canopy**

- 6.1.15. The emergency department is located on the eastern side of the building, and it is proposed to increase the height of the canopy on this entrance to allow for emergency vehicles to pass under safely. The details submitted demonstrate that this is a minor increase in the height of the canopy required for highway height clearance.
- 6.1.16. Given the minor nature of the proposed alteration, I am of the opinion, having considered the alterations to the emergency department canopy and having considered the proposal as granted under PA0043, that the Board would not have determined 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 emergency department canopy subject of this request do not constitute the making of a material alteration of the development as granted under PA0043.

### **Alteration to Traffic Management**

- 6.1.17. The proposed alteration to the traffic management arraignment within the facility includes a number of elements which are outlined in Section 3 above but in summary comprise the modification of the roundabout servicing the Emergency Department in line with relevant design requirements including DMURS and the National Cycle Manual; the provision of four additional parking spaces (incl. 2 disabled spaces) to service Emergency Department; revisions to traffic management barrier system; the provision of a dedicated right running lane into the basement car park from the North Access Road; the revised layout of the bus stop west of facility with provision of controlled pedestrian crossing; and the revised layout of main entrance plaza including raised road platform and uncontrolled pedestrian crossings. As outlined by the requester, the traffic management changes are outlined in the Traffic and Transport Statement (Appendix V). I would note that particularly in respect of traffic management best practice design standards have evolved particularly with regard to the National Cycle Manual and DMURS which were identified post planning by way of road safety audits which is a common occurrence. Therefore, these minor

alterations are considered appropriate to make the traffic management of the site amenable and safe to all road users.

6.1.18. Given the minor nature of the proposed alterations to the traffic management arrangement, I am of the opinion, having considered the proposal as granted under PA0043, that the Board would not have determined 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 traffic management arrangement subject of this request do not constitute the making of a material alteration of the development as granted under PA0043.

## **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(b) 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 requests, 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 Doherty Environmental dated June 2021). The report describes the amendments proposed, the development site and the receiving environment. The European sites considered relevant for the consideration are outlined in the two Figure 1's both of which are titled SPA's within 15km but I note that the first Fig. 1 sets out the SAC's. The AA Screening report examines European Sites within the zone of influence at Table 5.1 examining whether there are any pathways connecting the proposal to the relevant European sites, which I note there is not. I would note that the 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. The AASR concludes that the proposed alterations, alone or in combination with other plans or projects will not have a significant effects on any European sites in view of their Conservation Objectives. 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 the zone of influence of the site 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 29N.PA0043.

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

### DRAFT ORDER

REQUEST received by An Bord Pleanála on the 9th day of June, 2021 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 Landscape Design
- Alteration to Artwork
- Alteration to Rialto Entrance Plaza
- Alteration to Main Entrance Plaza
- Alteration to Facilities Management Tunnel
- Alteration to provide a new Moat Bridge.
- Alteration to Helipad
- Alteration to Emergency Department Canopy
- Alteration to Traffic Management

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 9th day of June, 2021.

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Una Crosse

Senior Planning Inspector

July 2021