



An
Bord
Pleanála

Inspector's Report

ABP-313727-22

Development	Proposed alterations to permitted application PL29S.PA0049 National Maternity Hospital
Location	St. Vincent's University Hospital Campus, Elm Park, Dublin 4
Planning Authority	Dublin City Council
Applicant	Health Service Executive
Type of Application	Section 146B: Request to alter previously approved Strategic Infrastructure project
Date of Site Inspection	None required
Inspector	Una Crosse

1.0 Introduction

1.1. The Health Service Executive ('the requester') has requested that the Board exercise its powers under section 146B of the Planning and Development Act 2000, as amended ('the Act'), to alter the terms of approval for the development of the National Maternity Hospital at St. Vincent's University Hospital Campus, which was approved by the Board following an application under the provisions of section 37E of the Act (Ref.PL29S.PA0049). I would note that a 'letter of urgency' has been attached to the correspondence (appendix IX) from HSE Estates requesting that the request is dealt with as soon as possible.

2.0 Planning History

2.1. 'Parent' Section 37A Approval (PL29S.PA0049)

2.1.1. The requester was granted approval by the Board on 30th August 2017 for the National Maternity Hospital development at St Vincent's Hospital, which comprised the following:

- 244 bed National Maternity Hospital to facilitate relocation of Holles Street;
- 50,776 sq.m connected to the existing SVUH Clinical Services Building;
- 5-6 storeys in height;
- Range of medical and surgical specialities;
- Replacement facilities for displaced SVUH facilities;
- New facilities will be shared between the existing and proposed hospitals;
- Extension to existing multi-storey car park (11,884 sq.m) with 426 spaces;
- New access to multi-storey car park via an underpass from St. Ritas car park;
- New access adjacent to the current access with the existing entrance closed.
- Amendments are also proposed to the existing road network;
- Entrance plaza creating a landscaped forecourt area (2,700 sq.m in area);
- Modifications to existing road junctions at Nutley Lane and Merrion Road;
- Temporary construction access from Nutley Lane;

- Demolition of single and two-storey structures with a floorspace of 8,765 sq.m;
- Temporary single storey buildings on the site (903 sq.m);
- Construction phase of c.56 months.

2.2. Previous Section 146B Alterations to PL11.VA0015

- 2.2.1. This is the first request for amendments under Section 146B for the subject development.

3.0 Proposed Alterations

3.1. Details of Proposed Alterations

The proposed alterations, as set out in the requester's planning report dated May 2022, relate to a number of areas of the permitted development, the main building, the car park, the substation area and energy centre in addition to a number of temporary structures. The following outlines the elements in more detail:

3.1.1. Alterations to the Proposed National Maternity Hospital Building

Alterations are proposed to the permitted hospital building in relation to the basement, façade and elevations, and roof parapet levels which it is stated are required in order to achieve NZEB compliance as follows:

Basement Level -1

- Plant equipment reconfigured and the floor area of Block A extended northwards to accommodate the additional plant requirements associated with achieving NZEB compliance.
- Drawing 3895_NMH_OCM_A_DR_PA_110 refers

Façade

- Proposed changes to the façade of the hospital building have been necessitated through the plantroom and plant equipment changes required for NZEB compliance including a number of changes to the distribution of louvres through the elevations of the NMH.

- Drawings 3895_NMH_OCM_A_DR_PA_220, 3895_NMH_OCM_A_DR_PA_221 and 3895_NMH_OCM_A_DR_PA_222 refer.

Roof Parapet Levels

- To accommodate the necessary NZEB changes, the roof parapet levels have increased with a portion of the Block A roof plant parapet level increasing from +38.135 to +41.525 to accommodate an additional external open-air plantroom as well as new enclosed electrical switchrooms.
- The parapet height increase facilitates a full height screening louvre to be provided around the new plant equipment.
- The remaining plant room parapet in this location has been raised by 1,665mm to +39.800 to incorporate an additional clearance zone required within the level 06 plantroom and to ensure any new external ductwork is screened behind the parapet line.
- Drawings 3895_NMH_OCM_A_DR_PA_118 and 3895_NMH_OCM_A_DR_PA_119 refer.

3.1.2. **Alterations to the extended Multi-Storey Car Park**

- Alterations to the permitted extended Multi-Storey Car Park (MSCP) to include an overall height increase in the car park lift cores from +18.840 to +20.600 to facilitate the required lift overruns.
- Drawings 3895_NMH_OCM_A_DR_PA_170 to 3895_NMH_OCM_A_DR_PA_177 inclusive refer.

3.1.3. **Alterations to Proposed ESB Double Substation, MV Switchroom, Oil Tanks' Enclosure and VIE Enclosure**

- Amendments to the layouts of the Proposed VIE Enclosure, and Proposed ESB Substation, MV Switchroom and Oil Tanks' Enclosure.
- Areas are marked 'A' and 'B' on the revised drawing 3895_NMH_OCM_A_DR_PA_180 and marked on proposed Site Plan, drawing 3895_NMH_OCM_A_DR_PA_011 and are located in the same area as previously permitted.

3.1.4. **Relocation of Proposed Electrical Energy Centre Block**

- Proposed to relocate the Electrical Energy Centre Block to an alternative location to the basement of the new SVUH Clinical Services Block.
- The Energy Centre Mechanical Plant, marked '1' on drawing 3895_NMH_OCM_A_DR_PA_011, includes internal alterations to the SVUH building as well as external flue requirements.

3.1.5. **Temporary Structures**

The permitted development provided for temporary buildings on the site within a series of single storey structures. The temporary structures proposed herein are proposed to be delivered in a single phase as part of what are referenced as 'Advanced Works'.

The locations of the proposed temporary structures have been included on 'Single Phase Advanced Works' drawing 3895_NMH_OCM_A_DR_PA_122 and include the following:

Temporary Medical Records Building

- Temporary two storey structure with an area of 962sq.m to the east of the Multi-Storey Car Park and west of the entrance to the site from the Merrion Road which would accommodate the relocation of the Medical Records from the current SVUH buildings.
- Drawing 3895_NMH_OCM_A_DR_PA_260 refers.

Temporary Kitchen Building

- Permitted scheme included a temporary kitchen on the site.
- Relocate the kitchen on a temporary basis to a new temporary single storey building at ground floor level, located at the area between the Herbert Wing and the SVUH Main Ward Block, adjacent to Elm Mount Unit.
- Refurbish an area of approx. 200 sq.m within the basement of the Herbert Wing to provide changing facilities and support spaces for the Catering staff.
- The relocation of the kitchen services to this area of the campus on a temporary basis will involve the following site preparatory works;
 - Removal of the two existing modular buildings to the west of the site

- Decant of an area of approx. 200 sq.m of the current Medical Records Department in the Herbert Wing basement to provide space for part of the new Kitchen.
- Provision of a new temporary Kitchen building at Level 0 (approx. 478sq.m)
- Drawings 3895_NMH_OCM_A_DR_PA_270 and 3895_NMH_OCM_A_DR_PA_272 refer.

Temporary Catering and Neurology Building

- Relocate Canteen and In-Patient Ward on a temporary basis to a new temporary two storey building (1,590 sq.m) located on the lower section of roof on the Herbert Wing building.
- New In-Patient Ward on the lower level of the new building tying into the existing In-Patient Ward located on the first floor level of the Herbert Wing including 13patient bedrooms for Neurology with 1 single room replacing the loss of 2 beds from an existing 4 bed ward in the Herbert Wing at the link back to the Herbert Wing block.
- Canteen on the upper level of the new temporary building with primary access to the Canteen at the new stair and lift core located at the north-west corner of the new building.
- Plant space of 91 sq.m proposed at Level 2 and on the roof.
- Drawings 3895_NMH_OCM_A_DR_PA_271 and 3895_NMH_OCM_A_DR_PA_272 refer.

Temporary Waste Marshalling Yard

- Relocation of the Waste Marshalling Yard on temporary basis to the site of the existing consultant's car park close to the Mortuary and Nutley road entrance of the SVUH campus.
- Includes a combination of enclosed rooms, open sided storage areas, and an open-air yard, similar to the existing waste marshalling yard on the east side of the campus with a total area (incl. yard area) of 1,214 sq.m.
- Yard is enclosed by a tall single storey structure to the exterior.

- Access and egress is proposed via a large gate along the west side of the new yard, opposite the existing Mortuary.
- Pedestrian access to the yard is proposed along the south elevation, which is a cycle and pedestrian only area.
- This relocation on a temporary basis will involve the following site preparatory works;
 - Removal of the existing car and bicycle parking from the existing consultant car park
 - Provision of new bicycle parking to the south of the proposed waste marshalling yard
 - Relocation of the existing prefabricated stores from the existing yard to the new facility
- Drawings 3895_NMH_OCM_A_DR_PA_280 and 3895_NMH_OCM_A_DR_PA_281 refer.

Temporary Purchasing & Stores

- Temporary 2 storey structure, with an area of 793 sq.m, within the area of the Herbert Wing Car Park at the south-east corner of the SVUH campus to accommodate the relocation of the Purchasing & Stores Department on a temporary basis.
- Large storage area for goods located at ground level with a smaller storage area & offices at first floor.
- Proposed to link this structure back to the existing basement level via two lifts on the south elevation of the building with delivery drop-off/set down area to the west of the new temporary structure and the goods proposed via the existing Herbert Wing access road.
- Drawing 3895_NMH_OCM_A_DR_PA_290 refers.

Temporary Carpenter's Workshop

- A temporary Carpenter's Workshop was proposed on site as part of the proposal and the requester states that the temporary structure has been delivered, but that it is now proposed to demolish same and relocate the temporary building to the rear of Carew House at the north-east corner of the SVUH campus.

- Proposal comprises a new temporary 2 storey structure including workshops, an office & an Accessible WC/Changing Area, Tea Station & Changing Area at first floor level with a total area of the Temporary Carpenter's Workshop is 251 sqm.
- Drawing 3895_NMH_OCM_A_DR_PA_295 refers.

3.2. **Documentation Submitted**

The request was accompanied by the following:

- Planning Report with Cover Letter;
- Proposed Drawings
- Permitted Drawings
- Appropriate Assessment Screening Report
- Draft Construction Management Plan
- Traffic and Transportation Chapter
- Drainage & Watermain Report
- Part L Compliance Report
- Part L Compliance Report – Advanced Works
- Letter of Urgency

4.0 **Requester's Submission**

4.1. The requester's submission can be summarised as follows:

- Design changes have arisen in order to achieve compliance with the NZEB Regulations, and it is therefore considered that the proposed alterations are minor in nature and would not constitute a material alteration to the terms of the permitted development.
- Having assessed the alterations proposed by the HSE and having prepared this request, it is the strong view of the project team that the alterations outlined herein are not 'material' within the meaning of s.146B of the Act.

- The proposed alterations, being minor amendments to the façade, elevation and roof parapet of the main building, the MSCP, Electrical Energy Centre and temporary buildings do not conflict with any of the policies in the current City Development Plan.
- Following an examination, analysis and evaluation of the relevant information including, in particular, the nature of the proposed amendments and the likelihood of significant effects on any European site, and applying the precautionary principle, it is the professional opinion of the authors of the attached AA Screening Report 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.
- Following the grant of permission, a full review of the permitted development was carried out by the HSE in order to ensure that the capital invested in this critically important healthcare project is used in an effective and efficient manner.
- A revised programme strategy is now proposed to allow the National Maternity Hospital to be completed in a single phase.
- A number of advanced enabling works buildings are required to achieve this with the details attached.
- Alterations required in order to achieve an NZEB enabled design while retaining the same envelope of development as permitted by the Board.
- Outlines the matters the Board has had regard to in previous Section 146B requests.
- Alterations primarily located within the footprint of the permitted development and do not affect the public realm given that the building is located in a campus setting.
- Overall scale of the scheme largely unchanged with changes proposed to the elevation and façade not affecting the scale of the development as the general envelope of the permitted development is retained.
- Alterations will not have an effect on the architectural heritage of the area.

- Not negatively impact the visual amenity in the area of the permitted development given the minor nature and scale of the amendments.
- Alterations are designed to optimise the design of the National Maternity Hospital and are entirely in keeping with the zoning of the site.
- Alterations will not have a different impact on the pattern of development in the area as compared to the original permission.
- Alterations in accordance with the proper planning and sustainable development of the area
- No effect on traffic levels in the vicinity as permanent alterations are confined to the elevation/façade of the building with the level of anticipated traffic movements remaining unchanged
- No anticipated effect on the general services in the area such as drainage and water as proposed changes relate to the location of a number of temporary buildings and changes to the façade and elevations of the car park and main building
- No additional effects on the archaeological heritage of the site other than those outlined in the EIS
- Alterations include minor reconfigurations to the external landscaping of that originally permitted and do not differ significantly from the original landscaping arrangement
- Original development description continues to accurately represent the scheme as currently proposed and had the proposed alterations been included as part of the original scheme, the development description would not have been drafted any differently lending further weight to the view that the proposed alterations are not material.
- Schedule 7 and 7A of the Regulations outlined with the following information provided should the Board decide that the alterations are material.
 - Characteristics of the proposed alterations
 - Location of proposed alterations

- Characteristics of potential impacts of the alterations
- Concluded that having regard to the nature and the scale of the proposed alterations, particularly when compared to the scale of the overall development, it is considered that they would not in their own right, have any significant effects on the environment.
- Topics included in original EIS reviewed with no anticipated changes. An Updated Traffic and Transportation Chapter has been attached.

5.0 Legislative Provisions

5.1. Section 146B(1) of the Planning and Development Act 2000, as amended, provides that, subject to subsections (2) to (8) and section 146C, the Board may, on the request of any person who is carrying out or intending to carry out a permitted strategic infrastructure development, alter the terms of the development.

5.2. **Would the Alteration be a Material Alteration?**

5.2.1. Subsection (2)(a) states that as soon as practicable after the making of such a request, the Board shall make a decision as to whether the making of the alteration to which the request relates would constitute the making of a material alteration of the terms of the development concerned. Before making such a decision, subsection (2)(b) states that 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 Would not be a Material Alteration***

5.3.1. Under subsection (3)(a), 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 accordingly and notify the person who made the request and the planning authority of the alteration.

5.4. ***Alteration Would be a Material Alteration***

5.4.1. Under subsection (3)(b), if the Board decides that the making of the alteration would constitute the making of such a material alteration, it shall:

- (i) require the requester to submit to the Board the information specified in Schedule 7A to the PDR 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.

5.4.2. Subsection (3A) provides 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 EIA Directive have been taken into account. Subsection (3B) also provides that said 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.

5.4.3. Subsection (4) requires that, before making a determination under subsection (3)(b)(ii), the Board shall determine whether the extent and character of the alteration

requested, and any alternative alteration it is considering 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).

5.4.4. Subsections (4A)(a) – (c) relate to the timeframe within which the Board shall make its determination under subsection (4) unless exceptional circumstances apply.

5.4.5. Under subsection (5), 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.

5.4.6. Under subsection (6) 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, of the alteration.

5.4.7. Subsection (7) sets out the matters that the Board shall have regard to in making a determination under subsection (4), while subsection (8) sets out provisions for the making of submissions or observations before a determination under subsection (3)(b)(ii) or (4) is made.

6.0 Board Correspondence

6.1. The Board informed Dublin City Council of the request received in correspondence dated 22 June 2022. A copy of the request was enclosed for their information.

6.2. The Planning Authority was not invited to make a submission at this stage.

7.0 Assessment

7.1. There are two stages to be considered in assessing a request under section 146B. The first stage is whether the proposed alterations would constitute a material

alteration of the terms of the development concerned? If the Board decides that it would not constitute a material alteration, it shall alter the approval accordingly. If, however, the Board decides that it would constitute a material alteration, then the second stage applies and the Act sets out the procedure to be followed in determining if the proposed alterations would have significant effects on the environment and other related matters.

7.2. **Consideration of Materiality**

I will consider each of the proposed alterations in turn in terms of their materiality.

7.2.1. **Alterations to the Main Permitted Hospital Building**

The rationale provided in respect of this alteration is the requirement to achieve NZEB (Nearly Zero Energy Building) compliance. The alterations relate to a number of elements of the building:

Basement Level -1

It is proposed that the plant equipment is reconfigured, and the floor area of Block A is extended northwards to accommodate the additional plant requirements associated with achieving NZEB compliance. While it is proposed to increase the basement area to accommodate the plant and there are some layout changes to the basement level however, I do not consider that the alterations are material given the minor nature of the changes proposed and the location of same within the basement. There is no material change to the use or the building.

Façade

Proposed changes to the façade of the hospital building, necessitated primarily through the plantroom and plant equipment changes which are required for NZEB compliance and include a number of changes to the elevations. The changes include the inclusion of number of additional windows, removal/addition or repositioning of flues, inclusion/removal of vents and changes to materials. Elevational changes also result from the roof parapet level changes proposed which are outlined in the next section. When comparing the permitted and proposed facades, while there are changes, the alterations proposed do not materially change the elevational treatment or the design context of the proposed building. I consider that the alterations

proposed are minor in terms of their materiality and I consider that the proposal would not have been considered any differently by the Board in the first instance if the changes now proposed formed part of the original application.

Roof Parapet Levels

To accommodate the necessary NZEB changes, it is proposed to increase the roof parapet levels with a portion of the Block A roof plant parapet level increasing from +38.135 to +41.525 to accommodate an additional external open-air plantroom as well as new enclosed electrical switchrooms. This parapet height increase facilitates a full height screening louvre to be provided around the new plant equipment. The remaining plant room parapet in this location is proposed to be raised by 1,665mm to +39.800 to incorporate an additional clearance zone required within the level 06 plantroom and to ensure any new external ductwork is screened behind the parapet line. While as noted above, there are changes to the façade of the building in respect of the roof levels, I do not consider that the alterations are material. They do not alter the building frame such that it is materially different to that permitted nor do I consider that the proposal would have been considered differently if the alterations now proposed were proposed in the first instance.

7.2.2. Alterations to the extended Multi-Storey Car Park

The alterations proposed to the permitted extended Multi-Storey Car Park (MSCP) comprises an overall height increase in the car park lift cores from +18.840 to +20.600 to facilitate the required lift overruns. While the elevations of the car park are altered by the proposed change, the alteration is not material as the lift cores formed an integral element of the car park extension in respect of its elevational context. This is a minor change in the context of the overall car park extension permitted and I do not consider that the alteration could be considered material.

7.2.3. Alterations to Proposed ESB Double Substation, MV Switchroom, Oil Tanks' Enclosure and VIE Enclosure

This alteration relates to amendments to the layouts of the Proposed VIE Enclosure, and Proposed ESB Substation, MV Switchroom and Oil Tanks' Enclosure. The two areas – one located to the rear of Carew House and the other along the southern boundary remain in the location permitted under the parent permission. This

alteration relates to changes to the permitted layout within these areas. I consider that the alterations are minor and could not be considered to be material. The proposed development would not have been considered differently if this alteration had been included in the first instance.

7.2.4. Relocation of Proposed Electrical Energy Centre Block

This alteration relates to the proposal to relocate the permitted Electrical Energy Centre Block from its permitted location to the basement of the new SVUH Clinical Services Block. To facilitate same, the alteration necessitates internal alterations to the SVUH building and external flue requirements which I have noted above in terms of changes to the elevations/façade. I do not consider that the proposal to relocate this permitted element of the development would be material. The proposed development would not have been considered differently if this alteration had been included in the first instance.

7.2.5. Temporary Structures

As was outlined in the parent application, the site of the proposed Maternity Hospital building accommodates a number of existing uses related to the operation of the existing St. Vincent's Hospital which are to be demolished to facilitate the new build. These uses will either be accommodated within the existing St Vincent's Hospital or within the new Maternity Hospital when it is completed. However, in order to facilitate the continued use of the existing Hospital during the construction phase it is proposed to accommodate the uses within temporary structures around the Campus. The temporary structures are proposed to be delivered in a single phase as part of what are referenced as 'Advanced Works'.

The locations of the proposed temporary structures have been included (in blue) on drawing 3895_NMH_OCM_A_DR_PA_122 which is entitled 'Single Phase Advanced Works'. This drawing shows the buildings on the site of the Main Hospital which are to be demolished (in orange). I would also note that the CEMP provided outlines that it is intended to carry out the works to the Multi-storey car park extension first which will offset the loss of car parking within a number of existing car parking areas where temporary structures are proposed during the construction period.

The temporary structures proposed are as follows:

Temporary Medical Records Building

It is proposed to locate a temporary two storey structure to the east of the Multi-Storey Car Park close to the entrance to the campus from the Merrion Road in a building of 962sq.m which would accommodate the relocation of the Medical Records from the current SVUH buildings. The structure is required to accommodate an existing use within the Campus on a temporary basis until the main hospital building is complete. As this is a temporary structure to accommodate an existing use within the campus for construction phase of the development, I do not consider that its inclusion materially alters the development.

Temporary Kitchen Building

The permitted scheme included a temporary kitchen on the site, but it is now proposed to relocate the kitchen on a temporary basis to a new temporary single storey building of c. 478sq.m at ground floor level, located at the area between the Herbert Wing and the SVUH Main Ward Block, adjacent to Elm Mount Unit. It is also proposed to refurbish an area of approximately 200 sq.m within the basement of the Herbert Wing to provide changing facilities and support spaces for the Catering staff. As outlined above, the permitted development incorporated a temporary kitchen as the existing kitchen facility is to be demolished to facilitate the building of the main hospital building. The inclusion of this temporary structure within the Campus for the construction period is not material in my opinion.

Temporary Catering and Neurology Building

The existing canteen and in-patient ward are to be demolished to facilitate the building of the main hospital building. Therefore, it is proposed to relocate these uses on a temporary basis to a new temporary two storey building (1,590 sq.m) located on the lower section of roof on the Herbert Wing building. The new In-Patient Ward is proposed on the lower level of the new building tying into the existing In-Patient Ward located on the first floor level of the Herbert Wing including 13 patient bedrooms for Neurology with 1 single room replacing the loss of 2 beds from an existing 4 bed ward in the Herbert Wing at the link back to the Herbert Wing block. It is proposed that the Canteen is located on the upper level of the new temporary building with primary access to the Canteen at the new stair and lift core located at the north-west corner of the new building. It is also proposed to create plant space of 91 sq.m at Level 2 and on the roof. Again, these uses are accommodated within

structures which have to be demolished to facilitate the new main hospital building and therefore require to be temporarily accommodated within the Campus to facilitate the continued operation of St. Vincent's Hospital.

Temporary Waste Marshalling Yard

It is proposed to relocate the existing Waste Marshalling Yard on a temporary basis to the site of the existing consultant's car park close to the Mortuary and Nutley Road entrance of the SVUH campus. This 'yard' with an area of 1,214 sq.m. includes a combination of enclosed rooms, open sided storage areas, and an open-air yard, similar to the existing waste marshalling yard on the east side of the campus enclosed by a tall single storey structure to the exterior. To facilitate this temporary structure the proposed site, which adjoins the mortuary requires some site preparatory works.

Again, this essential hospital function is accommodated within the area proposed for demolition to facilitate the new main hospital building and therefore require to be temporarily accommodated within the Campus to facilitate the continued operation of St. Vincent's Hospital during the construction phase. The placement of this temporary structure to the west of the Campus is not a material alteration to the permission approved as it accommodates an existing use required to continue the operation of the existing hospital within a temporary structure for a defined period of time.

Temporary Purchasing & Stores

It is proposed to locate a temporary 2 storey structure with an area of 793 sq.m within the area of the Herbert Wing Car Park at the south-east corner of the SVUH campus to accommodate the relocation of the Purchasing & Stores Department on a temporary basis. The large storage area for goods will be located at ground level with a smaller storage area & offices at first floor. It is proposed that the temporary Purchasing & Stores will be linked back to the existing basement level via two lifts on the south elevation of the building. The design proposal has incorporated a delivery drop-off/set down area to the west of the new temporary structure. It is proposed that the goods in will be via the existing Herbert Wing access road. As with other temporary structures, the demolition of the buildings required to decant the main building site requires the relocation of the existing uses within temporary structures around the Campus for the duration of the construction phase. The placement of this

temporary structure within the Campus is not a material alteration to the permission approved as it accommodates an existing use required to continue the operation of the existing hospital within a temporary structure for a defined period of time.

Temporary Carpenter's Workshop

While the temporary Carpenter's Workshop permitted as part of the parent permission was delivered it is now proposed to demolish same and relocate the proposed temporary building to the rear of Carew House at the north-east corner of the SVUH campus. This structure comprises a new temporary 2 storey structure including workshops, an office & an Accessible WC/Changing Area, Tea Station & Changing Area at first floor level with a total area of 251 sqm.

Given that this use has already been permitted, the development of this structure for the same purpose in a different location on the site is not material particularly as this is a temporary structure to cater for the construction phase of the development.

Conclusion on Temporary Structures

In relation to the temporary buildings, as I outlined above, these uses which are currently used by the existing St Vincent's Hospital and will be shared by both post completion, are accommodated within structures which are to be demolished to facilitate the building of the Main Hospital building. To facilitate the continued operation of the existing St Vincent's Hospital during the construction phase of the Maternity Hospital, it is proposed to accommodate the uses within temporary structures around the Campus. I do not consider that the structures proposed for a temporary period to time to accommodate existing services would be material.

7.3. Consideration of Environmental Effects of the Proposed Alterations

- 7.3.1. I do not consider that the proposed alterations are material given the minor nature of the proposed alterations nor do I consider that the development would have been considered any differently should the alterations now proposed have been proposed in the first instance. The proposed alterations are stated to have resulted from the requirement to comply with NZEB standards. As the permission was granted 5 years ago (2017) it is reasonable to expect that the requirements pertaining have changed necessitating alterations such as those proposed. Furthermore, for a project of the scale proposed it would be expected that the detailed design undertaken post

planning would result in the requirement to alter elements of the development. However, for the benefit of the Board, I will review the proposed alterations in the context of potential environmental effects which might arise when considered against the factors addressed in the assessment of the parent permission.

- 7.3.2. With regard to potential impacts on human beings (population & human health), noise and vibration, air quality and climate, all the subject alterations are proposed within the hospital campus. Consequently, and having regard to the significant separation distances to the nearest residential receptors, I do not consider that the proposed alterations would result in any material impacts on residential amenity.
- 7.3.3. In terms of visual and landscape, which the parapet roof level in the main building and the lift cores on the car park are increased, given the heights permitted within the development and within the Campus, the increase would not have any measurable effect and would therefore be immaterial. While a number of temporary structures are proposed around the Campus, their temporary nature provides they will be removed and they will be viewed within the context of a construction site for their duration providing that their visual impact will not create any material change to that permitted.
- 7.3.4. While I note that the applicants have updated the EIS Chapter which addressed traffic and transportation. Having regard to the limited scale of the proposed alterations relative to the approved development, I do not consider that the additional construction traffic movements will be material in nature. During the operational phase, the proposed alterations would not result in any additional traffic movements.
- 7.3.5. With regard to surface water management, no material impacts on surface water are likely to arise given the nature of the alterations proposed and the brownfield nature of the site. The same applies in terms of soil and geology where the proposal comprises minor alterations to the permitted development.
- 7.3.6. With regard to flora & fauna/biodiversity, the proposed alterations are located in areas of negligible to low ecological value, given the brownfield nature of the site which is either covered in existing buildings or hardstanding. There has been no change to the ecological baseline environment in the vicinity since the 'parent' application was assessed and approved by the Board and there are no surface watercourses in the immediate vicinity of the proposed alterations. Having regard to

the nature of the approved development and the nature and scale of the proposed alterations that form the basis of this request, I do not consider that any new or additional impacts on biodiversity of a material nature are likely to arise.

7.4. Appropriate Assessment Screening

- 7.4.1. The Board completed an Appropriate Assessment Screening exercise in relation to the potential significant effects of the proposed development on designated European Sites in respect of the parent permission (PL29S.PA0049). The determination in respect of AA Screening took into account the nature, scale and location of the proposed development (being a redevelopment of land within a zoned and serviced hospital campus in an urban area), the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on 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), or on any other European Site in view of the sites' conservation objectives, and determined that a Stage 2 Appropriate Assessment was not, therefore, required. This determination was reached notwithstanding the submission of an NIS with the parent application.
- 7.4.2. This s.146B application was accompanied by an Appropriate Assessment Screening Report which undertook an examination of the project to determine if any of the European Sites found within the wider area of the project are within the zone of influence of the project. While I note that the examination undertaken in the submitted AASR found that the proposed amendments are minor in scale and represent minor changes to the permitted National Maternity Hospital I would refer the Board to the following extract from the AASR which states that *"the potential impacts arising from the consented project that have already been subject to Appropriate Assessment, which concluded that the consented project will not have the potential, alone or in-combination with other plans or projects, to result in*

adverse impacts to European Sites". However, as outlined above, the Board determined in the parent permission (PL29S.PA0049) that there was no requirement for Stage 2 Appropriate Assessment as the potential for significant effects could be screened out and therefore no Appropriate Assessment was undertaken. I would suggest to the Board that this reference to an Appropriate Assessment having been undertaken is an error on the applicant's behalf as it is clear from the Order in respect of PL29S.PA0049 that Appropriate Assessment Screening was undertaken.

7.4.3. Notwithstanding, having regard to the AASR submitted in relation to the proposed alterations, it is clear that any potential for significant effects on the five sites identified can be screened out given the minor nature of the alterations proposed. In this regard I refer the Board to the screening conclusion provided by the applicant in their AASR which concludes that An Bord Pleanála can be satisfied that the project will not, alone or in-combination with other plans or projects, have a significant effect on any European Sites in view of their Conservation Objectives and on the basis of best scientific evidence and there is no reasonable scientific doubt as to that conclusion.

7.4.4. Having considered the Board's determination on Appropriate Assessment Screening in case PL29S.PA0049, and having regard to: the nature and limited scale and extent of the proposed alterations relative to the approved development; the nature of the potential effects associated with the proposed alterations which are the same as those previously identified for the approved development; the nature of the receiving environment, together with the distance to the nearest European sites, I consider that no new or additional issues arise and that the proposed alterations to the approved development would not be likely to have a significant effect individually or in combination with other plans or projects on any European sites.

7.5. **Conclusion**

7.5.1. In conclusion, I consider that no new or materially different considerations arise from the proposed alterations beyond those considered in the assessment undertaken in the s.37E application for approval proposed National Maternity Hospital (PL29S.PA0049).

- 7.5.2. I am of the opinion, having fully considered the proposed alterations and the development as approved under PL29S.PA0049, that the Board would have had no reason to determine the proposal differently had the alterations to the basement, façade and elevations, and roof parapet levels of the main building, the height increase in the car park lift cores of the multi-storey car park, layout changes to the substation, energy centre relocation and the temporary structures, as proposed in the alterations, formed part of said application. Consequently, I consider it reasonable to conclude that the making of the alterations that are the subject of this request would not constitute the making of a material alteration of the development as approved under PL29S.PA0049.
- 7.5.3. Finally, I have considered the provisions of s.146B(2)(b) which provides for the invitation of submissions from persons, including the public, at the Board's discretion. Having considered the nature, scale and extent of the proposed alterations, the information on file and the nature, scale and extent of the development approved under PL29S.PA0049, I am of the opinion that the inviting of submissions from the public in this instance is not necessary and is not required for the purposes of determining the matter.

8.0 Recommendation

- 8.1. I recommend that the Board decides that the making of the alterations that are the subject of this request does not constitute the making of a material alteration of the terms of the development that was approved by the Board under reference number PL29S.PA0049.
- 8.2. A Draft Order for the Board's consideration is provided overleaf.

DRAFT ORDER

REQUEST received by An Bord Pleanála on the 3rd day of June 2022 from the Health Service Executive under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a strategic infrastructure development, referred to as the National Maternity Hospital at St Vincent's University Hospital in County Dublin, which was the subject of an approval under An Bord Pleanála reference number PL29S.PA0049.

WHEREAS the Board made a decision to approve, subject to conditions, the above-mentioned development by order dated the 30th day of August 2017,

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

AND WHEREAS the proposed alterations are described as follows:

- Alterations are proposed to the permitted hospital building in relation to the basement, façade and elevations, and roof parapet levels
- Alterations to the permitted extended Multi-Storey Car Park (MSCP) to include an overall height increase in the car park lift cores from +18.840 to +20.600 to facilitate the required lift overruns.
- Amendments to the layouts of the Proposed VIE Enclosure, and Proposed ESB Substation, MV Switchroom and Oil Tanks' Enclosure.
- Relocation of Proposed Electrical Energy Centre Block
- Provision and or/relocation of a number of temporary structures including:
 - Temporary Medical Records Building, temporary Kitchen Building, temporary Catering and Neurology Building, temporary Waste Marshalling Yard, temporary Purchasing & Stores and temporary Carpenter's Workshop.

AND WHEREAS having regard to the nature of the issues involved, 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 in relation to the matter from other persons,

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 approval,

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 abovementioned decision so that the approved development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on the 3rd day of June 2022 for the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard.

REASONS AND CONSIDERATIONS

Having regard to:

- (i) the nature and scale of the development approved by An Bord Pleanála under Reference Number PL29S.PA0049,
- (ii) the examination of the environmental impact, including in relation to European Sites, carried out in the course of that application,
- (iii) the limited nature and scale of the proposed alterations when considered in relation to the overall approved development,
- (iv) the absence of any new or additional environmental concerns of a material nature (including in relation to European Sites) arising as a result of the proposed alterations, and
- (v) the report of the Board's Inspector, which is adopted,

It is considered that the proposed alteration would not be material. In accordance with section 146B(3)(a) of the Planning & Development Act 2000, as amended, the Board hereby makes the said alteration.

Una Crosse
Senior Planning Inspector
22 July 2022