



An
Bord
Pleanála

Inspector's Report

ABP-314872-22

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 & ABP-310446-21) which sought to amend the permitted development at the St James hospital site. These were determined by the Board on 15 September 2017, 12 August 2019 & 4 August 2021, 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 13 October 2022, pursuant to section 146B of the Planning & Development Act 2000 (as amended), for further alterations to the terms of that permission.
- 1.4. It is outlined that the changes proposed as part of the subject request relate solely to the Family Accommodation Unit which supports services provided at the hospital and which have been agreed between the CHI and the Family Accommodation Operator – the Ronald McDonald House charity.

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-310446-21 - It was determined by the Board on 4 August 2021 that amendments to the permitted development in respect of alterations to landscape design, artwork, Rialto entrance plaza, main entrance plaza, FM tunnel, new moat bridge, helipad, emergency department canopy and traffic management were not material.

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 relate solely to the Family Accommodation Unit as follows:

3.1. Alteration to Material Finishes

It is proposed to alter the material used in part of the west and north facades from brick to render to provide variety in the finish of the building, introduce contrast and frame the elevation of the courtyard.

Drawings – RMHC-BDP-ZZ-XX-EL-A-202001 & RMHC-BDP-ZZ-XX-EL-A-202002

3.2. Alteration to Elevations and Façade

This request includes a number of alterations to the fenestration of the east, west, north and south elevations which have been necessitated by internal re-planning, need for greater privacy in some areas, reduction in vertical shading on the eastern façade, alteration to bedroom window design to avoid overheating. The altered window design incorporates a free area/openable section, that opens inside the bedrooms for the purposes of natural ventilation with a perforated panel outside to provide a safety barrier. There is also a proposed reduction in the height of the ground floor curtain walls façade – from 2.9m to 2.4m to reduce solar gain and other minor alterations which are outlined at Section 3 above.

The requesters submission details each individual changes to the east, west, north and south elevations (pages 17-19), some of which overlap, with the changes including: independent access for substation & switch room, removal of some high level windows, change from large window to double doors, relocated basement escape stairs, inclusion of opaque section omission of coloured vertical shading, plant screen, windows moved to be high level for privacy, raise in sill level, removing louvres from bedroom windows, sloped roof changed to flat roof, replace solid wall with louvre for AHU enclosure, relocation of double doors to north elevation, reduction in height of curtain wall façade, increased parapet level, lift overrun added, They are outlined in the following drawings:

RMHC-BDP-ZZ-XX-EL-A-202001 & RMHC-BDP-ZZ-XX-EL-A-202002

3.3. Requirement for Substation and Air Handling Equipment

In order to comply with the changes to the building regulations which have occurred since the parent permission was granted in 2015, which includes Near Zero Energy Buildings, the heating system has been revised from the originally proposed gas fired system to an electrically driven system using air source heat pumps. This alteration necessitates an increase to the electrical local above the threshold for a low voltage connection with a new medium voltage electrical supply required and a new ESB substation. It is proposed that the substation occupy the footprint of the permitted garden store with an additional space requirement of 500mm along the northern wall. Air handling equipment associated with the kitchen is proposed to the west of the substation and is enclosed with louvred screening. The amendments to the elevations are outlined above. The relevant drawing is: RMHC-BDP-ZZ-00- PL-A-201002.

3.4. Alteration to Roof Plan

As a result of changing the energy system, the CHP plant previously permitted in the basement is no longer required but the new system requires air source heat pumps which need to be located in the open air. It is now proposed to alter the roof plan to incorporate the proposed plant on the roof slabs above level 2 & 3 requiring that the design of the roof is changed from a sloped roof to a flat roof which is outlined in the changes in Section 3.2 above. A new plant room is required with an associated plant screen.

The changes are outlined in drawing: RMHC-BDP-ZZ-03-LG-PL-A-201005 & RMHC-BDP-ZZ-04-LG-PL-A-201005.

3.5. Omission of Sedum Roof and Photovoltaics

Given the changes to the energy strategy outlined above, the photovoltaics are no longer necessary. The permitted sedum roof is proposed to be replaced with pea gravel as it is outlined that the limited sedum roof area provided little benefit to justify additional roof systems and complexity.

The changes are outlined in drawing: RMHC-BDP-ZZ-03-LG-PL-A-201005.

3.6. Extended Kitchen Layout

Changes have been proposed to L03 to meet the operational needs of the end user of this facility – Ronald McDonald House - which omits a bedroom from the layout so that the kitchen and communal area can be extended to provide more space for those using this communal facility. The laundry area has been moved to adjoin same and the space previously occupied by the laundry room is now a bedroom with the changes providing that the operational areas adjoin each other and bedrooms are together. The changes are outlined in drawing: RMHC-BDP-ZZ-03-LG-PL-A-201005.

3.7. Fire Lobbies at Basement Car Park

To comply with the Fire Safety Certificate three fire lobbies are required at the exits to the basement level car-park. The changes are outlined in drawing:

RMHC-BDP-ZZ-XX-LG-PL-A-201001

3.8. Minor Internal Alterations

In addition to the alterations above, it is stated that there may be small inconsequential discrepancies from permitted floor plans with some small reconfigurations which are required as a result of compliance with fire safety

certification and disabled access certificates but the Unit itself continues to align with the parameters of original permission.

4.0 Requester's Submission

The submission is accompanied by the following:

- Proposed Drawings – Appendix I
- Permitted Drawings – Appendix II
- Architectural Design Statement – Appendix III
- Appropriate Assessment Screening Report – Appendix IV
- Noise Statement – Appendix V
- Verified View - Appendix VI
- Plant Relocation Explanatory Note – Appendix VII
- Letter of Urgency – Appendix VIII

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 and specifically to the family accommodation unit.
- 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 policy relating to the strategic role of Hospital complexes outlined with proposed minor amendments and support the policies outlined.

- An updated AA screening report was prepared (Appendix IV) 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.
- Submission details the proposed amendments (outlined in Section 3 above) with proposal related to the permitted Family Accommodation Unit which requires minor amendments to facilitate the construction of the unit in line with end user requirements, updated development standards, availability of materials and minor revisions to floor plans and elevations in consultation with the end user.
- 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 permitted Family Accommodation Unit;
- Overall scale of building largely unchanged with envelope of permitted development retained;
- Updated montage provided and statement concluding proposal minor in nature and no change to level of impact assessed in EIS. Proposed alterations will 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 with traffic movements remaining unchanged;
- Change to electrically powered Air Source Heat pump will not result in significant changes to overall site services.
- 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 townscape or wider cityscape.
- 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, are 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 or operational traffic.
- 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. Screening assessment for AA submitted.
- 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 waster as per the C&DWMP.
- Will not lead to an increase/significant increase in noise and vibration as demonstrated in the Noise Statement submitted with the request (Appendix V)
- Will not lead to an increase/significant increase on 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.
- Imperceptible changes likely as per updated photomontage and 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.
- Change from gas fired to electrically powered energy system 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.

6.2. **Alteration to Material Finishes**

- 6.2.1. It is proposed to alter the material used in part of the west and north facades from brick to render to provide variety in the finish of the building, introduce contrast and frame the elevation of the courtyard. This is referenced as REV E.05 and is set out in the Architects Design Statement (Appendix III). I consider that the elevations are improved by the proposed alterations to the material with the contrast while subtle

creating more relief on the elevations. As outlined by the requester none of the facades selected for this change are prominent from surrounding streets with the perception of the building within the campus remaining the same. An updated montage (view 40 from the original EIS) has been provided with the original authors of the Landscape and Visual Assessment chapter providing their opinion (Appendix VI of the request) which outlines the changes to the materials on part of the façade and which are clearly minor in nature. I would concur with the conclusions of the requester that there is no change in the level of impact from that originally assessed.

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

6.3. **Alteration to Elevations and Facade**

6.3.1. A number of alterations are proposed to the fenestration of the facades with the alteration to some windows and doors which has been necessitated by internal re-planning, need for greater privacy in some areas, reduction in vertical shading on the eastern façade and alteration to bedroom window design to avoid overheating. The altered window design incorporates a free area/openable section, that opens inside the bedrooms for the purposes of natural ventilation with a perforated panel outside to provide a safety barrier. There is also a proposed reduction in the height of the ground floor curtain walls façade – from 2.9m to 2.4m to reduce solar gain and other minor alterations which are outlined at Section 3 above. As with other proposed alterations, once the detailed design of the building was examined particularly with the end user a number of alterations were necessitated in order to ensure the building operates appropriately particularly in terms of ventilation and privacy. Furthermore, the Architects Design Statement (Appendix III) outlines the rationale and provides the comparison of the proposed alterations which is very useful. I have examined the changes and while there are alterations to the fenestration pattern, individually and cumulatively they are minor and do not detract from the architectural quality of the structure.

6.3.2. Therefore, I do not consider that the Board would not have determined PA0043 differently had the proposed alterations to the elevations and façade as now

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

6.4. Requirement for Substation and Air Handling Equipment

- 6.4.1. As outlined above, in order to comply with the changes to the building regulations which have occurred since the parent permission was granted in 2015, which includes Near Zero Energy Buildings, the heating system has been revised from the originally proposed gas fired system to an electrically driven system using air source heat pumps. This alteration necessitates an increase to the electrical load above the threshold for a low voltage connection with a new medium voltage electrical supply required and a new ESB substation. It is proposed that the substation occupy the footprint of the permitted garden store with an additional space requirement of 500mm along the northern wall. In my opinion the proposal to comply with updated building regulations such that a more appropriate renewable form of energy system can be provided must be welcomed. In the context of whether the alteration is material, the proposal is located within the footprint of a permitted structure with a minor change of 500mm to the north. Therefore, there is limited alteration of the structure itself. In this regard I do not consider that the alteration proposed is material.
- 6.4.2. The other matter of air handling equipment associated with the kitchen which is proposed to the west of the substation and is enclosed with louvred screening is a minor alteration to ensure the safe operation of the facility and is not a material change to the proposal.
- 6.4.3. I am of the opinion, having considered the alterations to provide for a substation and air handling equipment and having considered the proposal as granted under PA0043, that the Board would not have determined PA0043 differently had the 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 for a substation and air handling equipment subject of this request do not constitute the making of a material alteration of the development as granted under PA0043.

6.5. Alteration to Roof Plan

6.6. As outlined in Section 3 above, as a result of changing the energy system, the CHP plant previously permitted in the basement is no longer required but the new electrical system proposed (see above) requires air source heat pumps which need to be located in the open air. It is now proposed to alter the roof plan to incorporate the proposed plant on the roof slabs above level 2 & 3 requiring that the design of the roof is changed from a sloped roof to a flat roof which is outlined in the changes in Section 3.2 above. A new plant room is required with an associated plant screen. The approved and proposed drawings are shown in the architect's design statement and while there is an alteration to the elevation with the screen, it does not materially change the appearance of the building and therefore I do not think that the change could be considered to be material.

6.6.1. I am of therefore of the opinion, having considered the alterations to the roof plan and having considered the proposal as granted under PA0043, that the Board would not have determined PA0043 differently had the 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 roof plan subject of this request do not constitute the making of a material alteration of the development as granted under PA0043.

6.7. **Omission of Sedum Roof and Photovoltaics**

6.7.1. Given the changes to the energy strategy outlined above, the photovoltaics are no longer necessary. The permitted sedum roof is proposed to be replaced with pea gravel as it is outlined that the limited sedum roof area provided little benefit to justify additional roof systems and complexity. As outlined in the drawings provided the area previously proposed to accommodate the now unnecessary photovoltaics is to be replaced with pea gravel which is considered acceptable, given the area of proposed sedum roof which adjoined the photovoltaics is so small it would appear irrational to provide a different roof material and in this regard I consider that the proposed alteration which will not be visible is not material.

6.7.2. I am of therefore of the opinion, having considered the alterations to roof plan and having considered the proposal as granted under PA0043, that the Board would not have determined PA0043 differently had the roof plan as now proposed in the alterations formed part of PA0043 at that application stage. Therefore, I consider it reasonable to conclude that the proposed alterations to the roof plan subject of this request do not constitute the making of a material alteration of the development as granted under PA0043.

6.8. Extended Kitchen Layout

- 6.8.1. Changes have been proposed to L03 to meet the operational needs of the end user of this facility – Ronald McDonald House - which omits a bedroom from the layout so that the kitchen and communal area can be extended to provide more space for those using this communal facility. The laundry area has been moved to adjoin same and the space previously occupied by the laundry room is now a bedroom with the changes providing that the operational areas adjoin each other and bedrooms are together. I consider that this alteration which is almost entirely internal is minor and provides for a more amenable communal space for users of the facility.
- 6.8.2. Given the minor nature of the proposed alteration, I am of the opinion, having considered the alterations to provide an extended kitchen layout 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 an extended kitchen layout subject of this request do not constitute the making of a material alteration of the development as granted under PA0043.

6.9. Fire Lobbies at Basement Car Park

- 6.9.1. To comply with the Fire Safety Certificate three fire lobbies are required at the exits to the basement level car-park. These are shown in the proposed drawing and are minor in nature and occur in the basement. Such an alteration is not unexpected following the fire safety certification stage and does not comprise a material alteration to the scheme.
- 6.9.2. Given the minor nature of the proposed alteration, I am of the opinion, having considered the alterations comprising fire lobbies at the basement car park 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 comprising fire lobbies at the basement car park subject of this request do not constitute the making of a material alteration of the development as granted under PA0043.

6.10. Minor Internal Alterations

- 6.10.1. As outlined by the requester, in addition to the alterations specifically outlined above, there may be small inconsequential discrepancies from permitted floor plans with

some small reconfigurations which are required as a result of for example compliance with fire safety certification and disabled access certificates but the Unit itself continues to align with the parameters of original permission. I consider that such minor deviations are to be expected in the context of the delivering the detailed design of a development of the scale permitted. In such a context I do not consider that such minor reconfigurations could be considered to be material.

6.10.2. Given the minor nature of any potential minor deviations from floor plans, I am of the opinion, having considered the requesters rationale for same and having considered the proposal as granted under PA0043, that the Board would not have determined PA0043 differently had such minor deviations as are likely to arise formed part of PA0043 at that application stage. Therefore, I consider it reasonable to conclude that such minor deviations, subject of this request do not constitute the making of a material alteration of the development as granted under PA0043.

6.11. Environmental Impact Assessment

6.11.1. 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 would also note that the requester has provided a noise statement in respect of changes to the energy system which requires plant is located on the roof which concludes that the plant proposed will achieve the required criteria in the EIS. Furthermore, changes to the proposed heating system will not result in any material change to the consideration of significant environmental

impacts. I consider the requester's further review of the potential impacts arising from the alterations proposed to be reasonable and robust.

6.12. Appropriate Assessment

- 6.12.1. 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.
- 6.12.2. The requester has submitted an 'AA Screening Report' in relation to the alterations that are the subject of this s.146B request (as prepared by Scott Cawley dated October 2022). The report describes the amendments proposed, the development site and the receiving environment. Section 3 of the AA Screening report examines the potential effects on European Sites within the zone of influence which are noted as habitats loss/fragmentation, habitat degradation as a result of hydrological impacts and surface water. In combination effects are also addressed. Table 1 summarises the analysis of the likely significant effects on European sites with none arising. 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 following an examination, analysis and evaluation of all relevant information and in view of best scientific knowledge, and applying the precautionary principle, it can be concluded that the possibility of any significant effects on any European sites, alone or in combination with other plans or projects, can be excluded. In reaching this conclusion it is stated that the nature of the projects and its relationship with all

European sites within the zone of influence and their conservation objectives have been fully considered.

6.12.3. 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 13th day of October, 2022 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:

- Alteration to Material Finishes
- Alteration to Elevations and Facade

- Requirement for Substation and Air Handling Equipment
- Alteration to Roof Plan
- Omission of Sedum Roof and Photovoltaics
- Extended Kitchen Layout
- Fire Lobbies at Basement Car Park
- Minor Internal Alterations

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 13th day of October, 2022.

Una Crosse

Senior Planning Inspector

November 2022