



An
Bord
Pleanála

Inspector's Report ABP-320190-23

Development

Application to An Bord Pleanála to amend the Poolbeg West Planning Scheme 2019 under Section 170A of the Planning and Development Act, 2000 (as amended).

Location

Poolbeg West, Dublin 4

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

N/A

Applicant(s)

Dublin City Council Development Agency (Planning Authority)

Type of Application

Amendment of SDZ Planning Scheme

Planning Authority Decision

N/A

Inspector

Ian Boyle

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1.0 Introduction

Background

- 1.1. On the 17th May 2016 the government designated parts of the Dublin Docklands' area at North Lotts and Grand Canal Dock as a Strategic Development Zone (SDZ). Dublin City Council (DCC), at its meeting on 2nd October 2017, decided by resolution to make the Poolbeg West Planning Scheme. The Planning Scheme, together with modifications, was approved by An Bord Pleanála on 9th April 2019.
- 1.2. Poolbeg West is situated in the peninsula which extends into Dublin Bay south of the mouth of the River Liffey. It is roughly 2km east of O'Connell Bridge (Dublin City Centre) and 1.2 km east of Grand Canal Dock. The Poolbeg West area is c. 34ha and is economically and socially importance to the State.
- 1.3. The designated area is to deliver a mixed-use development which principally includes residential development, commercial, and employment activities / offices, hotel, leisure and retail facilities, port-related activities, and the provision of educational facilities, transport infrastructure, emergency services, and community facilities.
- 1.4. Dublin City Council (DCC), as the SDZ Development Agency, were responsible for the preparation of the original Planning Scheme. They have now made application to An Bord Pleanála to amend the Planning Scheme for the purposes of achieving consistency with Government policy. [See Section 3.0 below for further details.]

Application Documents

- 1.5. The application is accompanied by the following:
 - Email (dated 16th July 2024).
 - Cover letter (dated 15th July 2024).
 - Report setting out the proposed amendments to the Poolbeg West Planning Scheme 2019.
 - Screening for Strategic Environmental Assessment.
 - Screening for Appropriate Assessment.
 - Statement on Strategic Flood Risk.

Proposed Amendments to the Planning Scheme

- 1.6. A summary of the proposed Planning Scheme changes and edits are set out in Appendix 1 of the application, 'Proposed Amendments to the Planning Scheme' (items 1 to 17, inclusive).
- 1.7. There is a minor typographical error under Amendment Ref No. 1 regarding the word 'Alignment' (highlighted in blue).

2.0 The Process

- 2.1. The process whereby amendments to a planning scheme for an SDZ can be made is set out in Section 170A of the Planning and Development Act, 2000 (as amended) ('the Act').
- 2.2. Under sub-section (1) of this Section, a planning authority may make an application to the Board to amend a planning scheme.
- 2.3. Under sub-section (2), the Board shall make a decision as to whether or not the proposed amendment constitutes a material change to the planning scheme. If such an amendment fails to satisfy the criteria set out in sub-section 3(b), it is a material change of the planning scheme which would then require the planning authority, under sub-section 3(a)¹, to amend the planning scheme in accordance with the procedures set out in Section 169 for the making of a planning scheme.
- 2.4. If the proposed amendment would lead to changes that would be minor in nature only, then, provided there is no need for SEA or AA, the Board may, under sub-section (4)(a), approve the amendment to the planning scheme.
- 2.5. If the proposed amendment would satisfy the criteria set out in sub-section 3(b) it may still, under sub-section (4)(b), be deemed by the Board to be material, only in a different sense from that described above. In these circumstances, the Board can approve such an amendment, or an alternative amendment of no greater significance. However, this requires the following to be complied with:
 - Under sub-section (5), the Board shall screen the proposed amendment, or its alternative, for SEA and AA. If SEA and/or AA are required, then under sub-

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

section (6)(b) the planning authority shall be required to undertake preparation of same.

- Under sub-section (7), the planning authority shall be required to undertake a notification and consultation exercise as set out in this sub-section. Thereafter, under sub-section (8), the planning authority shall prepare a report on the submissions and observations received as a consequence of this exercise. The report shall be prepared in accordance with the provisions set out in sub-section (9) and the Board shall subsequently, under sub-section 10, have regard to this report.
- Under sub-section (11), subject to any SEA and/or AA obligations, if the Board has determined to make the proposed amendment or its alternative under sub-section (4)(a) or (b), then the planning scheme shall be so amended, and the planning authority notified accordingly. If sub-section (7) was activated, then all those who made submissions or observations shall likewise be notified.

3.0 The Proposal

Background

- 3.1. The Planning Authority (Dublin City Council) seek to amend the approved Poolbeg West Planning Scheme 2019.
- 3.2. The purpose of the amendment is to achieve consistency with Government policy by removing text and graphic references to the Dublin Eastern Bypass (DEB) from the SDZ document.
- 3.3. The Dublin Eastern Bypass (DEB) is no longer supported by the National Transport Authority's 'Greater Dublin Area Transport Strategy 2022-2042' ('the GDA Transport Strategy').
- 3.4. The Dublin City Development Plan 2022-2028 ('Development Plan' / 'CDP') incorporates this Government policy position.
- 3.5. The application is accompanied by a report setting out the proposed amendments to the Planning Scheme; and I confirm that I have reviewed this document as part of my assessment of the proposed amendment.

Further Context

- 3.6. The Report prepared by DCC outlines the main reasons for the proposed removal of the DEB from the Planning Scheme.
- 3.7. Firstly, it is stated that the Scheme anticipated the potential removal of the DEB as a policy objective with the Southern Port Access Road (SPAR) instead meeting the future needs of the southern port lands. I note that the Planning Scheme includes references to support this potential change, including under Section 11.3.5 where it is stated that ‘following resolution of details of the route corridor, the Planning Scheme shall be amended to allow for the development of the remainder of the B1 and B2 lands², following a more detailed consideration of appropriate urban form and long-term land use’.
- 3.8. Secondly, I note the emerging proposals from Dublin Port Company (DPC). The application states that DPC operates port and related functions within a large section of the overall SDZ lands. They own Blocks 1 and 2 (c. 18.2ha), and which equates to roughly 50% of the overall Planning Scheme area. The blocks are currently impacted by the DEB reservation as is illustrated in Figure 6.3 of the Planning Scheme (‘South Port Access/Eastern Bypass Corridor’).
- 3.9. I note that DPC recently lodged a Strategic Infrastructure Development (SID) application for the ‘3FM Project’. The application consists of the proposed southern port access route (SPAR) and road network improvements, the construction of a Lift-on / Lift-off (Lo-Lo) container terminal, Roll-on / Roll-off (Ro-Ro) freight terminal, and other related works. The application was made on 23rd July 2024 under ABP. Ref. ABP-320250-24 and under consideration at the time of writing this report.
- 3.10. In this regard, I note that the proposed amendment omits the DEB corridor alignment set out in the Planning Scheme and that the rationale for this is that it would help clarify the status of Blocks 1 and 2 for future development purposes, including for future port and related function by DPC.

² Block Layouts 1 and 2 of the SDZ.

4.0 Section 170A(2) – (4): Would the proposed amendment make a material change to the Poolbeg West Planning Scheme?

Introduction

- 4.1. The Board is required under Section 170A of the Act sub-section 2 to address the question as to whether any proposed amendment to a planning scheme would constitute a material change.
- 4.2. Under sub-section 3(a), if such an amendment fails to satisfy the criteria set out in sub-section 3(b), then it is by definition a material change that triggers the procedures set out under Section 169 of the Act. Nevertheless, this does not exhaust the possibility that an amendment may be material under sub-section 4(b).
- 4.3. Thus, if the Board considers that, under sub-section 4(a), an amendment is not “of a minor nature” and yet sub-section 3(b) is satisfied, then its materiality triggers procedures set out in the remainder of Section 170A, with the intention of informing the view that the Board takes on such an amendment, i.e., whether to approve it or an alternative amendment of no greater significance.
- 4.4. The Planning Authority has expressed a view in their application to the Board that the proposed amendment does not represent a material change to the Planning Scheme.

Section 170A(3)(b) materiality

- 4.5. This section of my report reviews the proposed amendment in accordance with Section 170A(2) & 3 of the Act. The criteria, which must be satisfied to avoid a finding of sub-section 3(a) materiality, are set out in sub-section 3(b) as follows:
 - (i) It would not constitute a change in the overall objectives of the planning scheme,
 - (ii) It would not relate to already developed land in the planning scheme,
 - (iii) It would not significantly increase or decrease the overall floor area or density of proposed development, and
 - (iv) It would not adversely affect or diminish the amenity of the area that is the subject of the proposed amendment.

Criterion (i)

- 4.6. I note the SDZ vision is set out under Section 2.1 of the document and is as follows:
- Connect with the physical, environmental, economic and social fabric of the city, the bay, and adjoining neighbourhoods.
 - Create a new sustainable urban neighbourhood that responds to the area's unique location and enhances the enjoyment of local amenities.
 - Protect the special status of Dublin Bay, the intrinsic functions of the port/municipal facilities, and the amenity of existing and future residents.
- 4.7. The vision is expanded as set of key principles set out in the SDZ with a view to shaping the development of Poolbeg West. The key principles are included in Sections 2.2, 2.3 and 2.4 of the Planning Scheme, respectively.
- 4.8. The removal of the DEB reservation is in accordance with the GDA Transportation Strategy. I note also that a new designation would be provided for the Southern Port Access Road in the Scheme and that this is already included in the Dublin City Development Plan 2022-2028 under Map J. (See Page 19 of the DCC Amendment Report which includes a graphic illustrating the indicative alignment of the SPAR corridor, as per the CDP).
- 4.9. This would allow for the Poolbeg West Planning Scheme, the Dublin City Development Plan, and GDA Transportation Strategy to be consistent with one another. It would also enable Blocks 1 and 2 to be developed in accordance with the current DPC intention to complete the development of Dublin Port and to bring it to up to final capacity by 2040 (i.e. the 3FM project).
- 4.10. In summary, I consider that the proposed amendment would not constitute a material change to the overall objectives of the Planning Scheme and, therefore, meets the requirements of Section 170A of the Act in this regard.

Criterion (ii)

- 4.11. I note that area in question (i.e., the DEB reservation) has not been extensively developed since the Planning Scheme was approved. In this regard, I have referred to recent aerial photography of the area. It is apparent that the previous, established industrial nature of the land continues to exist and that the land uses have not changed significantly.

- 4.12. The Planning Scheme envisages B1 becoming a future developed industrial and port zone and B2 a mixed use for a range of commercial, creative industries, industrial (including port related) activities. However, the DEB reservation has effectively restricted any extensive redevelopment of these lands. See Figure 6.3 of the Planning Scheme which shows the extent of land which was envisaged at one point as being required for the delivery of the 'South Port Access/Eastern Bypass Corridor'.
- 4.13. Therefore, Block 1 continues to contain mainly transport and logistical land uses. It appears to include mainly shipping containers, a large HGV parking area(s), cargo handling equipment, bulk storage, and administration offices. Block 2 is mainly hardstand, further parking, port related access roads and warehousing. I note that the DCC Planning Report makes similar observations.
- 4.14. In summary, I consider that the proposed amendment does not relate to land already developed in the planning scheme and, therefore, meets the requirements of Section 170A of the Act in this regard.

Criterion (iii)

- 4.15. In relation to criterion (iii), the proposed amendment relates to the DEB reservation, rather than the usable floorspace of any buildings for residential or commercial purposes.
- 4.16. I note that Section 11.3 of the Planning Scheme sets out the indicative quantum for residential and commercial uses and the land use distribution throughout the SDZ lands. It is stated that the SDZ can accommodate approximately 3,000–3,500 residential dwellings and 80,000–100,000sqm of commercial floorspace. The proposed amendment does not seek to alter this.
- 4.17. I note also that DCC confirm in their application that there would be minimal change to the overall total scale, quantum and density of development to be delivered.
- 4.18. In summary, I consider that the proposed amendment would not significantly increase or decrease the overall floor area or density of proposed development and, therefore, meets the requirements of Section 170A of the Act in this regard.

Criterion (iv)

- 4.19. I consider that the removal of the DEB from the Planning Scheme would reduce the potential for negative environmental impacts due to the construction and operation of a largescale dual carriageway / bypass.
- 4.20. This includes in relation to noise pollution, impact on biodiversity and local ecosystems, encroachment into areas of existing or possible future greenspace or parkland. Its exclusion would potentially lead to improved residential amenity and opportunities for a better-quality life for future residents and visitors to the area for these same reasons.
- 4.21. In this regard, I note that the Planning Scheme, under Figure 8.1, indicates an area for an 'Open Space / Park Area Pending the delivery of by-pass & associated infrastructure (Long Term)'. The proposed amendment and removal of the bypass from the Scheme would mean a more substantial and permanent public park could be delivered in lieu, for the benefit of the community.
- 4.22. In summary, I consider that the proposed amendment would not adversely affect or diminish the overall amenity of the area and, therefore, meets the requirements of Section 170A of the Act in this regard.

Section 170A(4)(b) materiality

- 4.23. As noted under Paragraph 4.1 above, the test for materiality is not restricted to the criteria set out in sub-section 3(b) and it remains to be established whether the proposed amendment would be a material change to the Poolbeg West Planning Scheme.
- 4.24. While no definition of materiality is set out in planning legislation, I note that some assistance towards a working definition is provided in the following two planning sources:
- Under development management, a material change of use is typically defined as being one that is of a substantial nature, which would have an impact upon neighbours or the local community, and
 - For the purpose of declarations upon referrals, the legal case of *Monaghan -v- Brogan* established that the test for materiality pertains to whether the change

of use in question would raise material planning considerations if the change of use were to be the subject of a planning application.

Therefore, I consider that, with respect to the proposed amendment, an assessment for materiality should concern itself with whether this amendment would raise material planning considerations which are significantly different from those that were raised by the original Poolbeg West Planning Scheme.

- 4.25. The Poolbeg West SDZ does not set out any intention to construct or deliver the Dublin Eastern Bypass. It includes high-level references, and a graphic as Figure 6.3 of the SDZ, to protect the corridor and reflect contemporary planning policy, as it stood at the time of preparing the initial SDZ document. As noted above, this policy has since evolved, and changed, and it is the intention of DCC to reflect this accurately in the SDZ Planning Scheme. I note the Greater Dublin Area Transport Strategy 2022-2042 and Dublin City Development Plan 2022-2028 would also have been subject to public consultation as part of the required statutory and legislative process.
- 4.26. I have reviewed the SDZ and note that there is no detailed proposal for the construction of the bypass. The references are high-level only. Moreover, when the original Planning Scheme document was being prepared, it was anticipated that the bypass would be removed from it as a policy objective in the future – with the Southern Port Access Route instead meeting the needs of port, its related activities, and intention to expand.
- 4.27. I consider that the removal of the DER, and its replacement with a reference to the SPAR would not lead to any greater physical, social, or environmental impact on the receiving lands. The omission of the reservation would serve to reduce the potential for negative affects typically associated with the construction and operation of a new major dual carriageway, including that of noise, the release of air borne emissions (GHG's and particulate matter, for instance), and other impacts in terms of biodiversity and local ecology in the area. [In this regard, I would also highlight for the Board's attention Section 5.0 of my report below, which addresses the issue of Strategic Environmental Assessment and Appropriate Assessment.]

- 4.28. Importantly, the SDZ is not reliant on the eastern bypass to deliver its objectives and amending the Scheme in the manner proposed by DCC would not have any material impact, in my view.

Conclusion on Materiality

- 4.29. In summary, the purpose of the proposed amendment is to update the Poolbeg West Planning Scheme in general policy terms so that it can be consistent with the NTA's Greater Dublin Area Transport Strategy 2022-2042 and Dublin City Development Plan 2022-2028.
- 4.30. The amendment is intended to provide clarity in term of implementing the Planning Scheme, and to ensure the Scheme is consistent with national and local planning policy documents.
- 4.31. It is my submission to the Board that the amendment outlined in the application made by the Dublin City Council does not constitute a material change to the Planning Scheme and that it satisfies the criteria set out in Section 170(3)(b) of the Planning and Development Act, 2000 (as amended).

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

- 5.1. Section 170A(4)(a) of the Act requires that the proposed amendment to the Poolbeg West Planning Scheme must be screened with respect to its need for Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA). The report prepared by DCC includes a section on each of these, and this is intended to inform the screening process for both SEA and AA.
- 5.2. The original Poolbeg West SDZ Planning Scheme was the subject of SEA Environmental Report and Statement, AA Screening and AA Natura Impact Report (NIR). The documents were approved by An Bord Pleanála in April 2019. They are available on the Dublin City Council website.

Strategic Environment Assessment

- 5.3. I note that a full SEA screening report accompanies the application. This is included as an enclosure and is dated July 2024.

- 5.4. As part of my review, I note the measures that have been included as part of the Planning Scheme which seek to achieve environmental protection, sustainable environmental management, and sustainable development practices. Chapter 8 is in relation to 'Environment, Green Infrastructure and Open Space'. Section 8.4.6 is particularly important, in my opinion, and addresses ecology and biodiversity.
- 5.5. Objective IU14 is also noteworthy as it requires that 'each significant planning application be accompanied by a Construction and Environmental Management Plan, which shall include information on construction traffic routes, hours of operation, control of noise, and environmental effects and associated, detailed mitigation, including that relating to the excavation of material and the storage, transport, treatment and disposal of wastes. Where landowners collaborated and prepared a co-ordinated environmental management plan, this could be submitted with each application for development as appropriate' (emphasis added).
- 5.6. Therefore, potential adverse effects would be mitigated by policies and objectives contained in the Planning Scheme, and the Dublin City Development Plan 2022-2028, as relevant, so as not to be significant.
- 5.7. The SEA on Page 10 confirms that DCC consulted with several environmental authorities as part of the SEA process, including the EPA, Minister for Housing, Local Government and Heritage, the Development Applications Unit (Department of Housing, Local Government and Heritage), the Minister of Environment, Climate and Communications, the Minister of Agriculture, Food and Marine, and adjoining planning authorities, including South Dublin County Council, Fingal County Council, and Dún Laoghaire-Rathdown County Council.
- 5.8. The EPA made a submission on the SEA which raised no objection to the SEA conclusion – i.e., that the implementation of the proposed amendment to the Planning Scheme is not likely to have significant effects on the environment.
- 5.9. I conclude that the proposed amendment would not alter the objectives of the Planning Scheme and that an SEA would not be required for this reason.

Appropriate Assessment

Planning Authority: AA Screening Report

5.10. I note that an AA Screening Report has been prepared by DCC as part of the application to amend the Planning Scheme. The Planning Authority has considered the relevant matters specified under Part XAB of the Planning and Development Act 2000 (as amended). This includes:

- Existing Poolbeg West Planning Scheme (and associated NIR and SEA reports);
- The Strategic Environmental Screening Report on Proposed Amendments; and
- The Screening Statement for the Proposed Amendments of the Poolbeg West Planning Scheme.

5.11. The AA Screening Report has determined that risks to the safeguarding and integrity of the qualifying interests, special conservation interests, and conservation objectives of all European Sites have been addressed through the inclusion of appropriate mitigation measures as per the current version of Scheme. In this regard, I note it is an objective of the SDZ (Objective GI6) for all developments in the SDZ to incorporate the relevant mitigation measures set out in the Strategic Environmental Assessment Environmental Report

5.12. The AA Screening states that in having considered these existing mitigation commitments, it is concluded that the proposed amendment to the Planning Scheme is not likely to have any likely significant effects on the ecological integrity of any European Site.

Site Description

5.13. The Poolbeg West Planning Scheme comprises 34ha of lands situated in the peninsula extending into Dublin Bay. It is immediately south of the mouth of the River Liffey, between Pigeon House Road, Sean Moore Road, and Sean Moore Park. It extends in an easterly direction along Sandymount Strand as far as Irishtown Nature Park.

SDZ Designation

- 5.14. The Poolbeg West Planning Scheme designates the area for the delivery of mixed-use development. This includes residential development, commercial, and employment activities, including office, hotel, leisure and retail facilities, port-related activities, and the provision of educational facilities, transport infrastructure, emergency services, and community facilities including health and childcare services.
- 5.15. To date, there have been several planning permissions granted within the SDZ lands. These have mainly been for residential development of various scale and size. However, I note also that an application for the '3FM Project' was made by DPC to the Board on 23rd July 2024 (ABP-320250-24 refers). 3FM is for a major expansion of Dublin Port comprising essential infrastructure and capacity for unitised and packaged cargo as demand for international freight services continues to grow.

Natura 2000 Sites

- 5.16. The AA Screening, under Step 2 (Pages 7 – 10), identifies the relevant European Sites (Natura 2000 Sites) using the relevant Source-Pathway-Receptor model. The relevant Qualifying Interests and Conservation Objectives are also listed in this section of the report.
- 5.17. I note that the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) is directly within the SDZ lands, whilst the South Dublin Bay SAC lies directly adjacent (Site Code: 000210). Other European Sites are also recognised as falling within the zone of influence and these are listed in the screening report.

Assessment of Likely Significant Effects

Construction Phase

- 5.18. The Natura Impact Report submitted as part of the original SDZ application to the Board states that construction works relating to the delivery of the Planning Scheme have the potential to affect the Qualifying Interests (QIs) and Special Conservation Interests (SCIs) of European Sites.
- 5.19. I note that there would be no direct habitat loss contained within the SDZ lands. However, there is potential for significant direct effects on the habitat quality, and

other effects, on the special conservation interests of the Sites during the works phase. It is predicted that noise would be one of the main sources of impact.

- 5.20. The NIR also recognises the main threats to Annex 1 habitats include that caused by digging. Potential contamination may also occur through poor working practices, leakages or accidental spillage of materials (if effective pollution control measures are not fully implemented and maintained).
- 5.21. I note that the qualifying interests of the Baldoyle Bay SAC (Site Code: 000199) are tidal habitats which are roughly 8.1km north of the SDZ area. However, these are not expected to be negatively affected mainly due to a weak hydrological link, the attenuation distance of over 8km, and nature of digging and works that would be expected to occur on the lands.
- 5.22. The NIR notes that the SCI's for the Baldoyle Bay SPA (Site Code: 004016) includes wading birds, but that these are habituated to urban environs. The SPA would still be sensitive to pollution, however, but mitigation of these impacts would be achieved by the measures and objectives already set out in the existing Poolbeg SDZ. [In this regard, see Objectives IU1, IU11, IU14 and GI6, in particular.]

Operational Phase

- 5.23. The operational phase would see potential impacts arising due to increased amenity usage of the Baldoyle Bay SPA.
- 5.23.1. The AA Screening Report notes that QI's are sensitive to amenity usage and the pressures associated with creating a 'tidy appearance' of coastlines – there is often an unfavourable view taken of drift line vegetation in an urbanised area. The drift line is the location where organic floating debris and wrack, mainly consisting of remains of sea grasses and macroalgae, is deposited by waves running up to the coastline / beach.
- 5.23.2. I note that contamination through poor working practices, leakages or accidental spillage of materials could also occur if efficient pollution control measures are not fully implemented and maintained. Again, the mitigation measures outlined in the existing Poolbeg SDZ would apply and help to ensure significant impacts would not be likely to occur.

Conclusion

- 5.24. In conclusion, I note that a Natura Impact Report (NIR) was prepared for the Poolbeg West SDZ Planning Scheme, and subsequently approved by An Bord Pleanála. The NIR includes specific and extension mitigation commitments such that it was considered that the SDZ would be unlikely to have any significant effects on the ecological integrity of any European Site.
- 5.25. I consider that the proposed amendment to the Planning Scheme is not material and that the changes put forward are unlikely to have any significant effects on the ecological integrity of European Sites.

Strategic Flood Risk Assessment

- 5.26. The application includes a section on strategic flood risk.
- 5.27. I note also that the approved Planning Scheme was accompanied by a Strategic Flood Risk Assessment (SFRA).
- 5.28. The proposed amendment would not lead to any changes in the envisaged land uses for the area and would not require a justification test to be completed for this reason.

6.0 Conclusion

- 6.1. As outlined above, I consider the proposed amendment does not constitute the making of a material change to the Poolbeg West SDZ Planning Scheme under section 170A(2), that it satisfies the criteria of section 170A(3)(b), and is not likely to have any significant effects on the environment, or any European site.
- 6.2. It is, therefore, recommended that the Board approve the proposed amendment under section 170A(4)(a) and notify the Planning Authority of the approval of the amendment in accordance with section 170A(11).

7.0 Recommendation

- 7.1. That, under Section 170A sub-section (4)(a) & (11) of the Planning and Development Act, 2000 (as amended), the Planning Authority be notified of the Board's approval of the making of the amendment to the Poolbeg West SDZ Planning Scheme.

8.0 Reasons and Considerations

Having regard to:

- the planning history of the SDZ scheme, and to the overall aims and objectives of the approved planning scheme,
- the nature of the proposed amendment (items 1 to 17, inclusive), as set out in 'Appendix 1: Proposed Amendments to the Planning Scheme' of the application, and
- the report of the Inspector,

it is considered that the proposed amendments would satisfy the criteria of section 170A(3)(b) of the Planning and Development Act, 2000 (as amended), and therefore would not be of such a nature as to affect the overall nature of the scheme or require a more fundamental review procedure to be followed. It is concluded that the proposed amendment would not be material, given the limited potential to impact on the overall scheme objectives or the character of the overall Poolbeg West area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Ian Boyle
Senior Planning Inspector

10th January 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	320190			
Proposed Development Summary	Proposed amendment to the Poolbeg West Strategic Development Zone (SDZ) Planning Scheme			
Development Address	It is roughly 2km east of O'Connell Bridge (Dublin City Centre) and 1.2 km east of Grand Canal Dock. The Poolbeg West area is c. 34ha.			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes	N/A	Class.....	EIA Mandatory EIAR required	
No	N/A		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes		Class/Threshold.....		Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	NA	Preliminary Examination required
Yes	NA	Screening Determination required

Inspector: Ian Boyle

Date: 10th January 2025