



An  
Bord  
Pleanála

## Inspector's Report ZE0005

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### Development

Amendments to the Grangegorman Planning Scheme 2012. Enhance sustainable modes of transport to Grangegorman to omit proposed opportunity for vehicular access from Prussia Street to Grangegorman.

### Location

Grangegorman, Dublin 7.

### Planning Authority

Dublin City Council

### Applicant(s)

Grangegorman Development Agency

### Type of Application

Amendment to an SDZ.

### Inspector

Gillian Kane

## 1.0 Introduction

1.1. Under Section 170A sub-section (1) of the Planning and Development Act, 2000 (as amended), Dublin City County Council has submitted an application to the Board (ABP Ref. ZE29N.ZE0005) to amend the Planning Scheme approved by An Bord Pleanála for Grangegorman SDZ in May 2012. This application comprises the following documents:

- Planning Report which includes a Traffic Appraisal
- SEA Screening Report
- AA Screening Report
- Prussia Street Addendum Traffic and Transport Assessment

1.1.1. The proposed amendment seeks to

- Enhance sustainable modes of transport to Grangegorman by omitting the proposed opportunity for vehicular access from Prussia Street to Grangegorman, including the Western Gateway (also referred to as Prussia Street Gateway) and Park Shopping Centre. This will make the overall Grangegorman SDZ more accessible to pedestrians and cyclists along the western boundary and through the site.
- Amend the urban form at the Western Gateway to prioritise pedestrian and cyclist access and circulation and enhance the public realm.
- Give greater flexibility for the timescale for the delivery of the Western Gateway, which it is envisaged will be delivered in tandem with the roll out of development on an adjoining Prussia Street site in 3<sup>rd</sup> party ownership.

1.1.2. The applicant submits that the proposed amendments do not constitute a change in the overall objectives of the Grangegorman Planning Scheme approved by the Board in 2012 and therefore do not constitute the making of a material change to the scheme in accordance with section 170A(2).

## 2.0 The Application

2.1.1. The proposed amendment would involve the following four changes to the text of the Planning Scheme.

- **Change to Chapter 3, Page 9 Section 3.3, paragraph 7 (Key Project Themes Supporting the Planning Scheme Vision)** *“high quality, prominent access for appropriate modes of transport are required on the eastern and western boundaries of the new Quarter, at Constitution Hill and Prussia Street. These access are necessary to ensure that the new Quarter integrates successfully into the existing community, to waymark the campus, to provide permeability to the site and to ease undue pressure on the existing circulation network in the area. The opening up of the accesses is considered essential to the successful implementation of the planning scheme and to the full development of the campus.”*
- **Change to Chapter 4, Page 3 section 4.1, paragraph 3 (Overview of Development – Quantum and Dependencies):** *“In terms of access to the site, creating pedestrian routes to existing public transport infrastructure in the immediate vicinity is of paramount importance. The delivery of public routes through the site, providing connections from North Circular Road, Broadstone and Prussia Street shall be in place by the full development of the campus under the SDZ process.”*
- **Change to Chapter 4, Page 34 section 4.5.1 (St Brendan’s Way, the Serpentine Walk and Ivy Avenue):** *“It also provides for accesses through Broadstone, Constitution Hill and Prussia Street. This route forms the main east-west route, linking the campus to the local community and to the wider city. The implementation of this route will be crucial for the campus in regard to permeability and integration, both in physical and social terms.”*
- **Chapter 5 Page 20, section 5.4.2, paragraph 5 (Vehicular Access):** *“Secondary links to the site include Ivy Avenue, the access to the car parks, as well as servicing and maintenance roads along the periphery of the site. These secondary links are intended to be used by limited traffic volumes mainly related to servicing, maintenance and disabled access. Emergency access will be provided in accordance with appropriate regulations.”*

2.1.2. The proposed amendments also involve 31 no. changes to figures of the Planning Scheme. These are outlined in Appendix E of the planning report submitted to the

Board. These figures reflect the proposed amendments to urban form & movement, and the background mapping of the Urban Form.

- 2.1.3. The planning report states that there will not be any change to the quantum of development / floorspace.

### 3.0 **Planning History**

- 3.1. **PL29N.ZD2005**: A draft planning scheme prepared by the Grangegorman Development Agency outlining proposals for the strategic development of 28.69ha of land at Grangegorman was appealed to An Bord Pleanála. The proposed planning scheme provided for 280,000sq.m. of development based on healthcare, educational, public bodies (school, library and elderly housing) and other mixed uses. The scheme was approved by the Board, subject to modifications, on the 10<sup>th</sup> of May 2012.
- 3.2. **PL29N.ZE0001**: An application by the Grangegorman Development Agency to amend the Grangegorman planning scheme to provide for a school of 24 no. classrooms in place of the permitted 16 no. was withdrawn by the Council on behalf of the applicant.
- 3.3. **PL29N.ZE0003**: An application by the Grangegorman Development Agency to amend the Grangegorman Planning Scheme 2012 to provide for an increase in the size of the designated primary school from 16 no. to 24 no. classrooms was granted by the Board in April 2017.

### 4.0 **Statutory Provisions**

- 4.1.1. 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 Acts 2000-2015.
- 4.2. Under sub-section (1) of this Section, a planning authority may make an application to the Board to amend a planning scheme. Under sub-section (2), the Board shall make a decision as to whether or not the proposed amendment constitutes a material change to the planning scheme. This is the first test.
- 4.3. Under sub-section (3)(a) where the amendment fails to satisfy the criteria of sub-section (3)(b), the Board shall require the planning authority to amend the planning scheme in compliance with section 169.

- 4.4. The criteria detailed in sub-section (3)(b) include that the amendment, (i) would not constitute a change in the overall objectives of the planning scheme, (ii) would not relate to already developed land, (iii) would not significantly increase or decrease the overall floor area or density, (iv) would not adversely affect or diminish the amenity of the area.
- 4.5. If such an amendment would lead to changes that would only be minor in nature, then, provided there is no need for SEA or AA, the Board may, under sub-section (4)(a), approve this amendment to the planning scheme.
- 4.6. If the proposed amendment would constitute a material change to the planning scheme, then sub-section (4)(b) becomes pivotal. Before the Board approves such an amendment, or an alternative amendment of no greater significance, the provisions of the following sub-sections shall 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-section (6)(b) the planning authority shall be required to undertake preparation of the 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 said report shall be prepared in accordance with the provisions set out in sub-section (9) and the Board shall subsequently, under sub-section (10), have regard to this report.
  - Under sub-section (4)(b) itself, the Board shall determine whether or not the proposed amendment would come within the criteria set out in sub-section (3)(b). If it would do so, then the Board may approve this amendment or its alternative. If it would not do so, then under sub-section (3)(a), the planning authority shall be required to amend the planning scheme in accordance with the procedures set out in Section 169 for the making of a planning scheme.
- 4.7. Under sub-section (11), subject to any SEA and/or AA obligations, if the Board has determined to make the proposed amendment or its alternative, under sub-section (4), then the planning scheme shall be so amended and the planning authority

notified accordingly. If sub-section (7) is activated, then all those who made submissions or observations shall be notified.

## **5.0 Assessment of the proposed Amendments**

### **5.1. Test under 170A(2): Is the proposed amendment a material change?**

- 5.1.1. As outlined above, under section 170A(2), the materiality of proposed changes is evaluated against the tests set out in 170(3).
- 5.1.2. The planning report submitted to the Board states that since the Planning Scheme was adopted in 2012, the overall context of connectivity has been significantly enhanced as a result of the upgrade of sustainable transport infrastructure and the provision of new public transport services within Dublin and in the vicinity of Grangegorman. According to the applicant, the proposed amendment to the Planning Scheme is a consequence of recent and imminent improvements in connectivity to the campus which has resulted in greater integration and pedestrian / cyclist permeability. The proposed amendment, they submit, is consistent with the Schemes vision which seeks to “enable seamless connection to the existing and future transportation networks”.
- 5.1.3. The report outlines the rationale for the proposed amendment, stating that the omission of vehicular access for the Western Gateway and the Park Shopping Centre is appropriate in the context of making the overall Grangegorman SDZ more accessible and permeable to pedestrians along the western boundary and through the site. It notes that the majority of the access points identified in the Planning Scheme are either in place, will be delivered as part of the Site Infrastructure and Public Realm (SIPR) planning permission or are to be delivered as part of future planning applications. The planning report makes reference to an update traffic report that was carried out in response to the enhanced connectivity of the site. That traffic report identified a number of conclusions: that the new Luas stops would greatly improve public transport access to the campus, that the principal vehicular access (North Circular Road, Morning Star Avenue, Grangegorman Lower / Upper) are adequate to serve the site, limited traffic volumes relating to servicing etc. proposed for the Prussia Street access point could be adequately accommodated elsewhere and that potential access points from Prussia Street would not access any of the SDZ car parks.

- 5.1.4. The proposed amendments to enhance connectivity and permeability are considered reasonable. The proposed omission of a vehicular access at this location should reduce / remove possible traffic congestion and noise and possible noise and air pollution. The provision of a pedestrian and cycle priority area with “an attractive central landscaped seating area” (section 4.2.1.1 of the planning report submitted to the Board) is considered to be an improvement. I agree with the Applicant, that such a proposal is in keeping with the objectives of the scheme to enhance overall connectivity with and outside of the site.
- 5.1.5. With regard to the proposal to provide greater flexibility in the delivery of the Western Gateway, the applicant submits that the overall SDZ should not be unnecessarily restricted by the timing of delivery of that part of the Western Gateway in private ownership. The report notes that as pedestrian and cycling access at Fingal Place and the Park Shopping Centre has been provided, then the Planning Scheme should be amended to remove the prerequisite that accesses are provided prior to the occupation of facilities by DIT students.
- 5.1.6. I note that the reason the Board modified Chapter 3 was that they “*considered that the provision of a high quality access to the SDZ lands from the west is essential to the integration of the SDZ lands with the local community, as expressed in the Masterplan, to provide permeability through these lands and to reduce excessive pressure on the local network, in particular, Lower Grangegorman Road*”. The reference to DIT students in the modification can be explained by the following comment by the Planning Inspector (page 103/104 of the Inspector report on PL29N.ZD2005): “*Grangegorman in its current state restricts and represents a barrier to east-west connectivity so that in my opinion implementation of the Scheme beyond the first phase of constructing the basic infrastructural works (i.e. the construction/occupation of the major DIT facilities) should only take place when a pedestrian/cycling link has been established to the east i.e. Broadstone Gate and to the west i.e. via the Park Shopping Centre or some such similar access to the west.*”
- 5.1.7. Given that pedestrian and cycling access at Fingal Place and the Park Shopping Centre has been provided, it is considered that the objectives sought by the Inspector and the Board have been realised. Removing further time constraints is considered reasonable and within the remit of the modification imposed by the Board

upon approval. Therefore I am satisfied that the removal of such time constraints can be considered to be a “minor change”.

- 5.1.8. With regard to the request to amend chapter 4 Page 3 to remove any reference to the occupation of the first tranche by DIT students, the modification for including same in the Planning Scheme is explained by the Board direction as being necessary to ensure the timely delivery of the Broadstone and Prussia Street accesses. Broadstone Gate has been the subject of a Part 8 development proposal, has been included for delivery as part of the Luas Cross City main infrastructure works contract and is currently under construction. As the Prussia Street entrance was a secondary entrance to the major access point at Broadstone, I consider the removal of a time constraint reasonable.
- 5.1.9. I note that the Board considered both the Broadstone and Prussia Street accesses to be essential to the *full development of the campus*. Therefore, I consider that the proposed amendment that same shall be in place “*by the full development of the campus*” (as opposed to occupation by DIT buildings) to be within the intent of the Board direction. I am satisfied that this proposed change to the text can be considered a “minor change”.
- 5.1.10. The proposed amendments involve no changes to the land take of the overall development, no changes to the quantum of development to be delivered and do not affect the objectives of the approved Planning Scheme. I am satisfied that these changes are minor in nature and would not lead to a material change in the planning scheme approved by the Board.

## 5.2. **Compliance with Section 170A(3)(b) criteria**

- 5.2.1. Sub-section (3)(a) states that where the amendments of the scheme fail to satisfy the criteria (i) to (iv) in sub-section (3)(b), the Board shall require the planning authority to amend the scheme in compliance with section 169.
- 5.2.2. While sub-section (4)(a) does not refer to changes being required to satisfy sub-section(3)(b), for the avoidance of doubt, I shall consider whether the proposed amendments fail to satisfy each of the criteria as stated in sub-section (3)(b).
- 5.2.3. **Sub-section (3)(b)(i)** refers to whether or not the proposed amendments constitute a change in the overall objectives of the Planning Scheme. The applicant, in the



planning report submitted to the Board states that the omission of vehicular access for the Western Gateway and the Park Shopping Centre is part of making the overall Grangegorman site more accessible and permeable to pedestrians and cyclists along the Western Boundary and throughout the site. The applicant states that this fully accords with the sustainable objectives of the Planning Scheme as set out in Chapter 5, with national, regional and local transport and land use policy and on a wider context, supports planned sustainable transport infrastructure in the vicinity. The report further states that the proposed amendments comply with the Project Vision for the scheme in respect of Movement, which seek to realise the design of high quality linkages from the site to the established city grid. The applicants report notes that the Board required a “high quality prominent access” “to ensure that the new Quarter integrates successfully into the existing community, waymark the campus, to provide permeability through the site and to ease undue pressure on the existing circulation network in the area”. It is considered that the proposed changes to the text of the Planning Scheme are in keeping with those objectives.

- 5.2.4. I am satisfied that the proposed amendments do not constitute a change in the overall objectives of the Planning Scheme and would not lead to a change in the Planning Scheme approved by the Board in 2012.
- 5.2.5. **Sub-section (3)(b)(ii)** refers to whether the amendments relate to already developed land. The proposed amendments will involve some minor modifications to the urban form of the Scheme along the western boundary (plot 7). The applicant has confirmed that Plot 7 has not been development. Therefore, I am satisfied that the proposed amendments only relate to undeveloped lands and not to already developed lands.
- 5.2.6. **Sub-section (3)(b)(iii)** refers to whether the amendments would significantly increase or decrease the overall floor area or density of proposed development. The application made to the Board states that the proposed amendments do not involve any changes to the overall quantum of development in the SDZ.
- 5.2.7. **Sub-section (3)(b)(iv)** refers to whether the proposal adversely affects or diminishes the amenity of the area. The traffic report submitted with the application confirms that there will be no negative traffic impact from the proposed amendment. The service vehicles for which the subject entrance was intended, can be accommodated

elsewhere within the Planning Scheme. The increase in pedestrian and cyclist connectivity at the proposed entrance is considered to be a significant improvement along the western boundary. Further, the removal of traffic will reduce possible traffic noise, reduce congestion, and increase air quality. I am satisfied that the proposed amendments would not adversely affect or diminish the amenity of the area and are in accordance with the Planning Scheme approved by the Board in 2012.

### **Conclusion with respect to compliance with sub-section (3)(b)**

5.2.8. I consider that the proposed amendments fully satisfy the criteria outlined in sub-section (3)(b). Therefore, I recommend to the Board that the proposed amendments are not of such a nature as to require a more fundamental review procedure to be followed. In the light of the above, I conclude that the proposed amendments would not lead to a material change in the Grangegorman Planning Scheme 2012.

### **5.3. Test under subsection 4**

5.3.1. The tests under section 170A(4) of the Act are whether the proposed amendments would have significant effects on the environment or on a European Site.

5.3.2. An **SEA screening report** was submitted to the Board with the application, assessing the proposed amendments against the criteria set out in Annex II of Directive 2001/42/EC.

5.3.3. The report states that the proposed amendments involve discrete modifications to access arrangements and urban form along the Western boundary, which are appropriate in the context of making the overall campus more accessible and permeable to pedestrians and cyclists. The proposed amendments will not have any material influence on other plans but will have a bearing on future planning applications in terms of access arrangements and urban form along the western boundary. The report states that the characteristics of the proposed amendment are such that there will be no significant negative effects of a strategic nature. Likewise, the report states that the scale of the proposed change is such that no cumulative effects are predicted, no transboundary effects or any risks to human health or the environment are predicted. While subject site does not form part of a Natura 2000 site or other designated area and has no landscapes of a recognised national, EU or

international protection, the report notes that the wider Grangegorman site has a diverse architectural and historical built heritage.

- 5.3.4. On the basis of the information on the file, which I consider adequate to inform a screening determination, it is considered that the proposed amendment to the planning scheme, is not likely to have significant effects on the environment within the meaning of Annex II of Directive 2001/42/EC.
- 5.3.5. An **AA screening report** on the proposed amendment was submitted to the Board with the application. The report notes that the site is not in, near or proximate to a Natura 2000 site but has connectivity to Dublin Bay and the Natura 2000 sites via the surface and foul water network which discharges to the Liffey Estuary following treatment at the Ringsend WWTP. The report notes that no direct impacts will occur through land take or fragmentation of habitats or species and that there will be no resource requirements. The report states that there are no likely impacts on any Natura 2000 site. The report notes that the Grangegorman planning scheme was formulated to ensure that future developments and effects arising from the planning scheme, either individually or in combination with other plans and projects would not give rise to significant effects on the integrity of any Natura 2000 site.
- 5.3.6. On the basis of the information on the file, which I consider adequate to inform a screening determination, and having regard to the nature and scale of the proposed development, the nature of the receiving environment, and proximity to the nearest European site, no appropriate assessment issues arise and it is considered that the proposed amendment to the planning scheme would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

#### 5.4. **Conclusion**

- 5.4.1. In light of the assessment above, that the proposed amendment does not constitute the making of a material change to the planning scheme under section 170A(2) and that the proposed amendment is not likely to have significant effects on the environment or on a European site, it is recommended that the Board approve the proposed amendment under section 170A4(a) and notify the Planning Authority of the approval of the amendment in accordance with section 170A(11).

## 6.0 Recommendation

6.1.1. That under sections 170A11 of the Planning and Development Acts 2000-2015, the Board notify the Planning Authority that subject to section 170A(4)(a) the proposed amendment to the Grangegorman SDZ, which seeks to enhance sustainable modes of transport to Grangegorman by omitting the proposed opportunity for vehicular access from Prussia Street to Grangegorman, including the Western Gateway (also referred to as Prussia Street Gateway) and Park Shopping Centre which will make the overall Grangegorman SDZ more accessible to pedestrians and cyclists along the western boundary and through the site, to amend the urban form at the Western Gateway to prioritise pedestrian and cyclist access and circulation and enhance the public realm and to give greater flexibility for the timescale for the delivery of the Western Gateway.

6.1.2. The text of the Planning Scheme shall be amended to read as follows:

- **Change to Chapter 3, Page 9 Section 3.3, paragraph 7 (Key Project Themes Supporting the Planning Scheme Vision)** *“high quality, prominent access for appropriate modes of transport are required on the eastern and western boundaries of the new Quarter, at Constitution Hill and Prussia Street. These accesses are necessary to ensure that the new Quarter integrates successfully into the existing community, to waymark the campus, to provide permeability to the site and to ease undue pressure on the existing circulation network in the area. The opening up of the accesses is considered essential to the successful implementation of the planning scheme and to the full development of the campus.”*
- **Change to Chapter 4, Page 3 section 4.1, paragraph 3 (Overview of Development – Quantum and Dependencies):** *“In terms of access to the site, creating pedestrian routes to existing public transport infrastructure in the immediate vicinity is of paramount importance. The delivery of public routes through the site, providing connections from North Circular Road, Broadstone and Prussia Street shall be in place by the full development of the campus under the SDZ process.”*
- **Change to Chapter 4, Page 34 section 4.5.1 (St Brendan’s Way, the Serpentine Walk and Ivy Avenue):** *“It also provides for accesses through*

*Broadstone, Constitution Hill and Prussia Street. This route forms the main east-west route, linking the campus to the local community and to the wider city. The implementation of this route will be crucial for the campus in regard to permeability and integration, both in physical and social terms.”*

- **Chapter 5 Page 20, section 5.4.2, paragraph 5 (Vehicular Access):**  
*“Secondary links to the site include Ivy Avenue, the access to the car parks, as well as servicing and maintenance roads along the periphery of the site. These secondary links are intended to be used by limited traffic volumes mainly related to servicing, maintenance and disabled access. Emergency access will be provided in accordance with appropriate regulations.”*

6.1.3. The figures of the Planning Scheme shall be amended as required by the above amendments and as set out in Appendix E of the Planning Report submitted to An Bord Pleánala on the 31<sup>st</sup> July 2017.

## 7.0 Reasons and Considerations

Having regard to:

- The planning history of the SDZ scheme approved by An Bord Pleánala in 2012, and to the overall scope and objectives of the approved planning scheme,
- The nature of the proposed amendments which shall enhance sustainable modes of transport to Grangegorman, making the campus more accessible to pedestrians and cyclists along the Western Boundary and allowing greater flexibility for the timescale of the delivery of the Western Gateway
- The report of the inspector

The Board considered that the proposed amendments would satisfy the criteria of section 170A(3)(b) of the Planning and Development Act, 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.

Having regard to the overall provisions of s.170A of the Act, the Board agreed with the inspector’s conclusion that the proposed amendments would not be material,

given the limited potential to impact on the overall scheme objectives or the character of the overall Grangegorman area.

The Board adopted the screening assessment carried out by the inspector in relation to the requirement for Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA). The Board agreed with her conclusion that the need for SEA or AA does not arise owing to the limited nature of the proposed amendments.

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Gillian Kane  
Senior Planning Inspector  
29th September 2017