



An  
Bord  
Pleanála

## Inspector's Report 29N. ZE0006

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<b>Development</b>	Amendments to the North Lotts and Grand Canal Dock Planning Scheme, 2014 to change the location of two pedestrian/cycle bridges
<b>Location</b>	Dublin
<b>Planning Authority and Development Agency</b>	Dublin City Council
<b>Applicant</b>	Dublin City Council
<b>Type of Application</b>	Amendment to a planning scheme under section 170A of the planning act.
<b>Date of Site Inspection</b>	29 <sup>th</sup> November 2017
<b>Inspector</b>	Stephen J. O'Sullivan

## 1.0 The Scheme

- 1.1. A strategic development zone (SDZ) at the North Lotts and Grand Canal Dock was established by the government on 18<sup>th</sup> December 2012 by SI 530/2012. Dublin City Council is the development agency for this SDZ. Its area is c66ha on both sides of the Liffey to the east of the city centre between the East Wall Road, Sherriff Street and Guild Street on the northside, and around Grand Canal Dock and Sir John Rogerson's Quay on the southside, including the East Link Bridge known as Tom Clarke Bridge. The council made a scheme for the SDZ in November 2013 which was subsequently appealed to the board. Under **29N. ZD2011** the board approved the making of the planning scheme, subject to modifications, on 16<sup>th</sup> May 2014. The scheme had been subject to appropriate assessment and strategic environmental assessment before its approval.
- 1.2. The scheme includes two new bridges over the Liffey for pedestrians and cyclists. The eastern one would be in line with Castleforbes Street on the northside. The western one would be in line with Forbes Street on the southside. The latter bridge is stated to have a role in linking the Spencer Dock hub, including its LUAS stop and square, with the Grand Canal Dock and its public space and DART station, in terms both of movement and urban design. The location and function of the bridges are described in the planning scheme. It does not specify design details or construction methods for them.
- 1.3. Chapter 4.4 of the scheme refers to movement. Its objectives include –
- MV1 To continue to promote the modal shift from private car use towards increased use of more sustainable forms of transport such as cycling, walking and public transport and to implement the initiatives contained in the Government's 'Smarter Travel, A Sustainable Transport Future 2009-2020'.
  - MV3 To provide additional cycle and pedestrian bridges across the canals and rivers in the SDZ to form part of strategic cycling and walking routes
  - MV4 To create and support a well-designed network of pedestrian infrastructure to promote and facilitate walking and cycling; provide priority for pedestrians and cyclists along key desire lines, developing routes within the

## 2.0 Proposed Amendment

- 2.1. It is proposed to amend the planning scheme to change the location of the two bridges for pedestrians and cyclists so that the western one was in line with New Wapping Street on the northside and Blood Stoney Road on the southside, (a move of c150m) while the eastern one would run close and parallel to the Tom Clarke Bridge (a move of c.330m) The application specifies the various texts and figures in the published scheme that would have to be amended to facilitate the proposed locations for the bridges.
- 2.2. The planning authority states its rationale for the proposed amendment. The current proposed location for the western bridge is within the reservation for the proposed DART underground link. The latter project is subject to review and delay and its progress is uncertain. Building a bridge over the underground link would be prohibitively expensive. The current proposal for the western bridge is therefore subject to uncertainty regarding delivery and costs. A bridge in the amended location could be provided in a more timely and cost effective fashion. With regard to the eastern bridge, the existing Tom Clarke Bridge provides a poor level of service for pedestrians and cyclists. However it is not feasible to widen the existing bridge to provide new facilities for them. The revised location for the new eastern bridge would address that problem. The council intends to complete the proposed bridge across the mouth of the Dodder in 2021. This would allow users of the eastern bridge over the Liffey to move between Grand Canal Dock and the North Lotts.
- 2.3. The council therefore considers that the proposed amendment would allow the two new bridges for pedestrians and cyclists that are included in the planning scheme to be provided more quickly and cheaply and so would improve services for those road users. The revised locations of the bridge would result in a greater length of quayside that was not interrupted by bridges, which is likely to facilitate water related activity in the area. The submission from the council accepts that the amended location of the western bridge is not on the direct desire line that runs from Spencer Dock and its Luas stop towards the square and DART station at Grand Canal Dock.

The submitted transport assessment accepts that the new location would provide a somewhat lower level of service than that currently contained in the scheme.

2.4. The council submits that the proposed amendment would not have a strategic environmental impact on the area and that a Strategic Environmental Assessment is not required, and that the amendment would not result in any significant impacts on the integrity of Natura 2000 sites. The council submits that the proposed amendment should not be considered as a material change to the planning scheme because-

- It would not constitute a change in the overall objectives of the scheme. While it would redistribute pedestrians and cyclists at block level, this would not alter the main objectives for the area
- There would be no direct impact on land already developed under the scheme
- It would have no impact on the overall floor area or density of development in the area
- It would not impact on the amenity of the area of the proposed amendment, with open views of the river remaining with a longer quayside for boats and related activity
- It would allow the bridges needed to improve pedestrian and cycle connectivity to be provided more quickly and at less cost, and so is required due to considerations of an infrastructural and economic nature.

### **3.0 Screening**

#### **3.1. Appropriate assessment**

The strategic development zone does not include any Natura 2000 sites. However the planning scheme was subject to an appropriate assessment before it was made with respect to the following Natura 2000 sites, all of which are downstream of the SDZ –

- South Dublin Bay SAC 000210
- South Dublin Bay and River Tolka Estuary SPA 004024

- North Dublin Bay SAC 000206
- North Bull Island SPA 004006
- Rockabill to Dalkey Islands SAC 003000

The possibility of effects on those sites arose indirectly due to the impact of greater population on waste water infrastructure and greater recreational or other use of adjacent coastal land, and from possible emissions due to works on contaminated ground. This is outlined in section 10.4 of the inspector's report on appeals on the scheme. The proposed amendment would not change the characteristics of the development that is allowed under the scheme in any manner that would have indirect effects on the above Natura 2000 sites that were different from those previously addressed in the appropriate assessment of the scheme. The proposed amendment would not alter the form or method of construction of the bridges envisaged in the scheme. The change in their location would not bring them within any Natura 200 site and would have no direct effect upon any such site, nor would it bring about possible indirect effects that were different from those that would arise at their location in the current scheme and which were already considered in the previous appropriate assessment. The proposed amendment would not, therefore, be likely to have significant effects on any Natura 2000 site.

### **3.2. Strategic Environmental Assessment**

The adopted scheme was subject to a strategic environmental assessment under Directive 2001/42/EC, section 168(3) of the planning act and article 179A of the planning regulations, after the preparation of an environmental report by the planning authority. The proposed amendment to the planning scheme is a modification which would require environmental assessment only if it is determined that it is likely to have significant environmental effects, as per article 3(3) of the directive. A screening determination is required under section 170A(4)(a) of the act. Both provisions refer to the criteria at Annex II of the directive. The proposed amendment is limited in its scope and provides only for the relocation of two proposed pedestrian/cycle bridges by relatively short distances of 150m and 330m respectively. Therefore the degree to which it sets a framework for other projects or influences other plans and programmes is limited, as is its relevance to the

integration of environmental considerations with a view to promoting sustainable development or to the environmental problems relevant to the SDZ. The proposed amendment is not relevant to the implementation of European legislation on the environment. As the proposed amendment involves alteration but not omission of the envisaged pedestrian and cycle facilities, the characteristics of its effects would not be significant, having regard to their extent and that of the area affected. The proposed amendment would not be likely to have significant effects on the environment, therefore.

### **3.3. Conclusion**

It has been established that the extent and character of the proposed amendment to the planning scheme are such that it would not be likely to have significant effects on the environment or on any Natura 2000 site. The board should therefore proceed to make a determination under section 170A(3) of the act as to whether the proposed amendment would constitute a material change to the scheme.

## **4.0 Materiality of the proposed amendment**

- 4.1. Section 170A(3)(b) of the act sets out criteria that are relevant to whether the proposed amendment is a material change to the planning scheme. The amendment would not relate to land already developed and would not significantly alter the overall floor area or density of development in the SDZ. The amendment may be required due to infrastructural and economic considerations because of the proximity of the existing line for the western bridge to the DART underground tunnel, which means that it is effected by the uncertainty about the delivery of that project, and the practical difficulties in providing decent pedestrian and cycle facilities on the existing Tom Clarke Bridge, which means that a new bridge will be required to provide the required facilities between the Point and Ringsend. It is evident, therefore, that the amendment meets criteria (ii), (iii) and (v) of the subsection.
- 4.2. Its compliance with criteria (i) and (iv) is more debatable. The submission from the planning authority is admirably clear in its acknowledgment that the alignment for the western bridge shown in the adopted scheme is preferable to the amended one now proposed because the former follows a direct line from the Luas stop at Spencer

Dock to Grand Canal Square and thence to the DART station. The revised alignment for the bridge is c150m east of this desire line. The council estimates that 1,760 pedestrians would use a bridge on the currently proposed alignment in the peak morning hour, while 1,600 would use the one on the amended alignment. It can be assumed that fewer cyclists would use the latter bridge. The amendment would also leave a longer stretch of river without a crossing for pedestrians and cyclists, at 540m compared to 360m under the current scheme. It is clear, therefore, that while the bridges on the amended alignment would provide very useful facilities that would contribute to the achievement of the objectives of the scheme, in particular relevant objectives being those at MV1, MV3 and MV4. But the bridges on the current alignments would provide a somewhat better service and contribute more to the achievement of those objectives. Whether the reduction in service would constitute a change in the overall objectives of the scheme is a matter for the board to decide. My advice is that the reduction is marginal and is objectively justified by circumstances outside the control of the development agency and planning authority. The amended scheme would still provide improved infrastructure for pedestrians and cyclists, including bridges, in accordance with the scheme's overall objectives. So the amendment would not constitute a change in the overall objectives of the scheme and would comply with the criterion at subsection 170A (3)(b)(i) of the act.

- 4.3. If the amendment does not result in a significant reduction in service for pedestrians and cyclists, then it would not adversely affect the amenity of the area. Indeed, as the council has pointed out, it would increase the extent of uninterrupted quayside in a way that would facilitate recreational activity related to the use of the river and thus its recreational amenity. So it would also comply with the criterion at subsection 170A (3)(b)(iv) of the act.
- 4.4. Therefore the proposed amendment would not constitute the making of a material change to the planning scheme.

## 5.0 Recommendation

- 5.1. The board should determine under section 170A(4)(a) of the planning act that the making of the proposed amendment to the scheme is a change of a minor nature that is not likely to have significant effects on the environment or on a European site,

and should approve the making of the amendment to the planning scheme and notify the planning authority accordingly.

## 6.0 Reasons and Considerations

Having regard to:

- The planning history of the SDZ scheme approved by Board in May 2014 and to the overall scope and objectives of the approved planning scheme,
- The nature of the proposed amendments which are necessitated by objective circumstances arising from the progress of the DART Underground project and the physical constraints on providing better pedestrian and cycle facilities on Tom Clarke Bridge, and
- 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 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 objectives of the scheme or the character of the North Lotts and Grand Canal Dock SDZ 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 concluded that the need for SEA or AA does not arise owing to the limited nature of the proposed amendment and the scope of the original SEA and AA procedures already completed for the adopted scheme.

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Stephen J. O'Sullivan  
Planning Inspector

29<sup>th</sup> November 2017