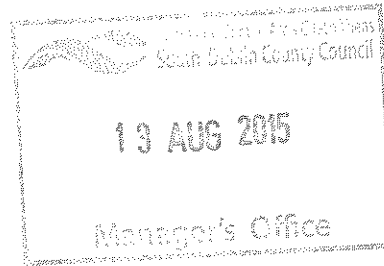
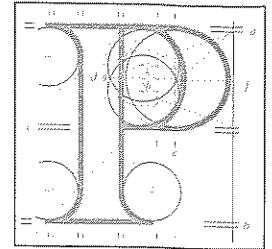


Your Ref:



Chief Executive Officer
South Dublin County Council
County Hall
Tallaght
Dublin 24

12th August 2015

Re: Health Infrastructure Development comprising National Paediatric Hospital, Innovation Centre and Family Accommodation Unit at St James' Hospital Campus, Satellite Centres at Tallaght & Connolly Hospitals and Construction Compound at Davitt Road, Dublin.

Dear Sir/Madam,

An Bord Pleanála has received an application for permission under section 37E of the Planning and Development Act, 2000, as amended.

It is noted that a copy of the application relating to the proposed development has been sent to the offices of the planning authority.

Please be advised that you are requested to make the application documentation available for public inspection/purchase at your offices in accordance with the terms of the public notice. The pre-application consultation file already sent to you must be associated with the application file documentation. It is the Board's intention that all of the application documentation will remain available for public inspection during the currency of the application.

Written submissions in relation to the proposed development should be made directly to An Bord Pleanála. Two copies of any written submissions received in relation to the application will be forwarded by the Board to your offices. You are requested to make available for public inspection a copy of the submissions. Please be advised that a fee of €50 is payable to the Board in order to make a submission on this application.

Section 37E(4) of the Planning and Development Act, 2000, as amended requires you to submit to the Board a report setting out the views of the authority on the effects of the proposed development on the environment and the proper planning and sustainable development of the area of the authority within a period of 10 weeks from the making of the application to the Board. The application was made to the Board on the 10th August, 2015 and I can confirm that the deadline for the submission of the report is therefore **5.30p.m. on the 19th October, 2015.**

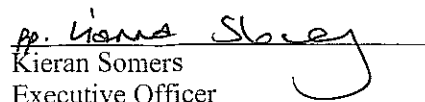
In addition to the information required to be submitted with this report by the provisions of section 37E(4-7) please note that the Board requests that the report address, where relevant, all of the issues identified at section 7 of the attached "Guidelines for Planning Authorities" in respect of section 37A of the Act (these guidelines are available on the Board's website at www.pleanala.ie).

A copy of the planning authority report should also be placed on the public file at the planning authority office.

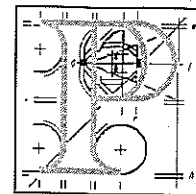


Thank you for your co-operation in this matter. If you have any queries in relation to the matter please contact the undersigned officer of the Board. Please quote the above-mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,


Kieran Somers
Executive Officer
Direct Line: 01-8737107

PA02.LTR



7th Schedule Strategic Infrastructure Developments

Guidelines for Planning Authorities

Contents

Contents.....	1
1. Introduction.....	2
2. Pre-application Consultations – section 37B.	2
3. Scoping of Environmental Impact Statement – Section 37D.	4
4. Application to Board for Permission – Section 37E.	5
5. Amendments of Permission / Clarification of Decision	11
6. Enforcement of Decisions and Conditions.....	11
7. Issues to be addressed in the Planning Authority Report.....	11

1. Introduction

The strategic infrastructure provisions of the Planning and Development (Strategic Infrastructure) Act 2006 (the 2006 Act) came into effect on 31st January 2007. The Act, which amends the Planning and Development Act 2000 (the 2000 Act), provides generally for applications for permission/approval for specified private and public strategic infrastructure developments to be made directly to the Board.

Part 18 of the Planning and Development Regulations 2006 (S.I. No. 685 of 2006) (the 2006 Regulations) relating to strategic infrastructure development also came into effect on 31st January 2007. The 2006 Regulations amend the Planning and Development Regulations 2001. Further amendments are contained in the Planning and Development (Amendment) (No. 3) Regulations 2011 (S.I. No. 476 of 2011).

In these Guidelines, references to sections in the Act refer to the 2000 Act, as amended, and references to articles in the Regulations refer to the Planning and Development Regulations 2001 as amended, unless otherwise stated.

There are different types of strategic infrastructure specified in the 2000 Act, as amended. These guidelines only relate to development listed in the new 7th Schedule to the 2000 Act (inserted by section 5 of the 2006 Act amended by the Planning and Development (Amendment) Act 2010, and the Environment (Miscellaneous Provisions) Act 2011). This relates mostly to private development although applications for permission for some public infrastructure will be made through 7th Schedule procedures and applications for approval for some private infrastructure e.g. strategic gas infrastructure, will be made through other procedures. The Schedule lists the classes of projects related to major energy, transport, environmental and health infrastructure applications which, if deemed by the Board to be strategic infrastructure, must now be made directly to the Board instead of the local planning authority.

Planning Authorities should not deal with any application for development specified in the 7th Schedule unless it has been determined by the Board that the development is not a strategic infrastructure development. Should a planning authority be in any doubt as to whether a proposed development constitutes strategic infrastructure it is recommended that they advise the prospective applicant to seek an opinion from the Board prior to lodging an application with the planning authority.

2. Pre-application Consultations – section 37B.

There is a mandatory requirement on a prospective applicant for 7th Schedule development to enter into pre-application consultations with the Board. Matters which can be the subject of consultation/advice are set out at sections 37B(3) of the 2000 Act, and article 210 of the 2001 Planning Regulations. These cover issues

such as procedures for making the application, timeframes and sequencing of the application process, considerations relating to proper planning and sustainable development and the environment which may have a bearing on the Board's decision in relation to the application, the particular prescribed bodies which should be notified of the applications, and the form of public consultations that should take place prior to lodgement of an application.

On receipt of a request for pre-application consultations, the Board must notify the relevant planning authority (or planning authorities where the proposed application site would straddle different local authority areas) of the request. This notification will consist of a letter describing the nature of the proposed development and a site location map(s).

The Board must keep a written record of any pre-application consultations held. These written records will be publicly available for inspection once the pre-application consultation process has been formally completed.

Following consultations with the prospective applicant, the Board must serve notice on the prospective applicant and the planning authority(s) stating whether, in its opinion, the proposed development is strategic infrastructure.

To qualify for determination as strategic infrastructure, a proposed development must first come within the scope of one or more of the classes and comply with the thresholds contained in the 7th Schedule. In addition, the Board must come to the opinion that the proposed development, if carried out, would fall within one or more of the following: -

- is of strategic economic or social importance to the State or region in which it would be situated,
- would contribute significantly to the fulfillment of any objectives of the National Spatial Strategy or any regional planning guidelines in force in the area,
- would have a significant effect on the area of more than one planning authority.

Prospective applicants will be advised of the importance given by the Board on placing the proposed project in its plan and policy context, particularly the hierarchy of plans, i.e. the National Spatial Strategy, Regional Planning Guidelines and County, City or Local Area Development Plan.

If the Board decides that the proposed development does constitute strategic infrastructure development, then the application for permission must be made directly to the Board under section 37E of the 2000 Act, as amended. In the event that the Board decides that the proposed development does not constitute strategic

infrastructure development, the application must then be made, as heretofore, to the planning authority under section 34 of the 2000 Act.

Prospective applicants will be advised to directly engage in consultation with the local authority in whose area the site is situated and with any relevant prescribed bodies.

The Board may consult with the local authority(s) in whose area the site is situated, or with any of the relevant bodies. The purpose of any such consultations will be to identify any constraints that would affect the site and to ascertain whether there are plans or programmes being contemplated or undertaken that would have a bearing on the application.

Where the Board consults with the local authority in whose area the site is situated or with any prescribed body, a record of such consultations will be made and a copy of such record(s) will be given to the prospective applicant.

When the pre-application consultation phase has concluded and the Board has issued its formal decision / advice on the request, it will publish its determination in its weekly list of 'cases disposed of' and on its website and make its file available to the public for inspection. Upon the conclusion of the consultation phase, the Board will forward a copy of this file to the planning authority and such file should be made available for public inspection locally. Should an application be made to the Board subsequently for permission, the pre-application consultation file will be attached to the application file.

3. Scoping of Environmental Impact Statement – Section 37D.

Upon receipt of notice that the application is deemed to be strategic infrastructure development and that the application should be made directly to the Board, the prospective applicant may request the Board to provide scoping advice in relation to the EIS to be submitted with the application. Scoping cannot be requested in 7th Schedule cases unless the Board has given an opinion under section 37B that the proposed development is strategic infrastructure.

Before providing a scoping opinion, the Board **must** consult with bodies specified by the Minister including the relevant planning authority, and **may** also invite submissions or observations from other prescribed bodies (listed in article 213 of the 2001 Regulations, as amended) regarding the information to be contained in the EIS. It is expected that planning authorities will engage fully in this process and that they will make submissions to the Board within a relatively short timeframe which will be specified by the Board. Generally, a period in the order of 3 weeks will be specified. Such submissions or observations by the planning authority should be made in

written form. The Board will notify the planning authority of its file reference number of any request for a written opinion on the information to be contained in an EIS.

When this scoping phase has concluded and the Board has issued its advice on the scoping request, it will publish that fact in its weekly list of cases disposed of and on its website and make its file available to the public for inspection. It will also send a copy of its file to the planning authority for similar purposes.

4. Application to Board for Permission – Section 37E.

4.1 Notice of Application

An application for planning permission cannot be made for development listed in the 7th Schedule of the Act either to the Board or a planning authority unless the Board has given an opinion under section 37B as to whether the proposed development is strategic infrastructure or not. If it forms the opinion that it would be strategic infrastructure, the application cannot be made to the planning authority; any such application must be made directly to the Board.

Before an application for permission under section 37E is made to the Board, the prospective applicant must publish notices of such application and invite submissions and observations to be made to the Board within a specified timescale (not less than 6 weeks), send copies of the application, the EIS and the NIS where relevant to any prescribed bodies and to the planning authority(s) in whose area the proposed development would be situate. The notices will be required to state that any such submissions and observations shall set out their subject matter and the considerations and arguments on which they are based in full and that it is at the Board's absolute discretion as to whether an oral hearing is held or not. While the number of copies of the application the EIS and NIS to be sent to the planning authority(s) by the prospective applicant has not been prescribed in Regulations, the Board will require at least 5 hard copies and 2 electronic copies to be sent.

The Board will generally require publication of notices in a national and local newspaper approved by the relevant planning authority for the area in which the proposed development is to be situated.

When an application for a strategic infrastructure development has been made to the Board, the planning authority should not request further information directly from the applicant, as such correspondence and information will not form part of the application and will not be in the public domain.

4.2 Report of Planning Authority

Where a section 37E application for permission is made, the planning authority(s) for the area(s) must, in accordance with section 37E(4) of the Act, prepare and submit a report to the Board within 10 weeks of the making of the application to the Board (or such longer period as may be specified by the Board). It is anticipated that extensions of time will only be granted in very exceptional circumstances. The report should set out the views of the authority on the effects of the proposed development on the environment, the likely effects on any European site where relevant and the proper planning and sustainable development of the area of the authority, having regard, in particular, to the matters specified in section 34(2) of the 2000 Act.

Planning Authorities should note that this 10 week period only relates to 37E applications and not to applications relating to electricity, gas, and State and railway order infrastructure. In those cases, the planning authority submissions must be lodged within the same time limit as the public has to make submissions.

The planning authority is requested to carry out an early examination of the documentation sent to it in order to determine its adequacy for the purposes of the preparation of its report. Any perceived shortcomings should be notified to the Board in writing at an early stage.

Before submitting the report to the Board in relation to a proposed development, the manager of the planning authority must submit a copy of the report to the members of the authority seeking their views, and must append any recommendations made by them, by resolution, to the report together with the administrator's record. The report should be submitted to the Board in hard copy. (See also paragraph 7 following in relation to issues which should generally be addressed in the report).

4.3 Submissions or Observations

Any person or body may make a submission or observation in relation to an application for permission within the timescale specified in the public notice relating to the effects on the proper planning and sustainable development of the area, on the environment and on any European site where relevant. Such submissions are subject to a fee of €50 except for prescribed bodies (the planning authority as a prescribed body is not subject to payment of this fee). Generally, there is no entitlement to elaborate on submissions or observations to the Board. However, the Board may ask any person to elaborate upon any submissions or observations made, and this may include the planning authority. In addition to the planning authority report referred to at (2) above, the Board may require the relevant planning authority to furnish additional information relating to the effects of the proposed development on the proper planning and sustainable development of the area and

on the environment. Such a request would include a timescale for response. Any such submissions should be in hard copy.

The Board must have regard to all submissions made relating to the proposed development where they are made in accordance with the Act or Regulations, and the decision by the Board on the planning application must state this fact.

4.4 Oral Hearings / Meetings

The Board has an absolute discretion to hold an oral hearing. While it is the policy of the Board to generally direct the holding of an oral hearing in such cases it may not do so in all instances, particularly where the Board considers that the nature of the issues arising can be adequately and appropriately assessed by way of written submissions. Where an oral hearing is being held, the planning authority will be notified and will be expected to attend and participate. Where an oral hearing is to be held the inspector has discretion as to its conduct. In addition, the Board may at its absolute discretion, given the nature of the proposed development and issues arising and following a recommendation of the inspector, consider directing a limited agenda for the oral hearing. All parties will be notified in writing by the Board should such a determination to be made.

In addition to holding an oral hearing, the Board also has an absolute discretion to hold a meeting with the applicant or any other person or body where considered expedient or necessary to resolve any issue. Such a meeting may be held before, during an adjournment, or after an oral hearing and could involve the planning authority with or without the applicant. Where such a meeting is held the Board must keep a written record of the meeting and make this available for public inspection. A copy of the record will be placed with the planning application documents and will also be sent to the relevant planning authority for attachment to the file to be made available for public inspection at the planning authority's offices while the application is being processed.

Separate guidelines have been issued by the Board in relation to the procedures to be followed at oral hearings.

4.5 Public Inspection of Files – Role of Planning Authority

It is a requirement of the Act that the documentation relating to an application for permission should be made available for public inspection. The public notice must specify the times and places, and the period during which the application may be inspected and purchased, and invite submissions or observations to the Board. Records of any meetings held must be placed with the planning application documents. Any additional information submitted in response to a request by the Board will also be placed with the planning application documentation. Before

determining the application, the Board has the absolute discretion to make any information relating to the application available for inspection and to notify the public of its availability.

It is requested that the planning authority maintain a public file at its offices in relation to the application, similar to those which it currently maintains in relation to section 34 planning application files, and all relevant documentation should be put on this file and be available to the public for inspection. The Board will also maintain such a file at its offices. With the exception of the planning application documentation the EIS and where relevant the NIS submitted with the application which must be forwarded to the planning authority by the applicant, the Board will forward or arrange the forwarding of all other information to the planning authority. In the event of the Board requesting and receiving a NIS from the applicant subsequent to the lodging of the application it will forward same to the planning authority with a notice stating that submissions may be made to the Board within a specified period in relation to the likely effects of the proposed development on a European site if carried out. There will be a requirement to update the file to take account of submissions made to the Board during the processing of the application.

The Board will also generally require the applicant to make the application available for public inspection on a standalone website and in some cases in other locations.

Following the determination of the application, a copy of the Board's decision and direction will be placed with the application documentation and the public will have access to the file during normal working hours in the Board's offices for a period of at least 5 years. It is envisaged that similar arrangements would be made by the planning authority.

4.6 Statutory Objective

It is the duty of the Board to ensure that pre-application consultations are completed and that decisions on applications are made as expeditiously as is consistent with the proper planning and sustainable development of the area, and to avoid delays. The Board is also required to comply with scoping requests as soon as practicable. The Board also has a statutory objective to make a decision on a section 37E application within 18 weeks beginning on the last day for making submissions or observations by the public.

4.7 Conditions

When deciding to grant permission for strategic infrastructure development under section 37E, the Board may attach conditions in the normal manner under section 34(4) of the 2000 Act. Where an IPPC or Waste licence is required, the Board

cannot impose conditions relating to the control of emissions from the activity for which a license is required.

4.7.1 Section 48/49 financial contributions.

The Board may attach financial contribution / supplementary contribution scheme conditions or special contribution conditions under sections 48 and 49 of the 2000 Act, as amended. It is important, therefore, that the planning authority include with its report a statement setting out its views on what, if any, financial contributions under those sections should be attached should the Board decide to grant permission. Such statement should include the detailed calculations involved and the reasons for the suggested conditions. This would be without prejudice to the authority's view where it considers that permission should be refused. In particular, full details of calculations for special contributions are required.

4.7.2 Community Gain

The Board may impose 'community gain' conditions i.e. requiring the construction or the financing, in whole or in part, of a facility or the provision or financing, in whole or in part, of a service in the area. Any such condition must not be so great as to substantially deprive the person in whose favour the permission operates of the benefits likely to accrue from the grant. It is important that the manager's report to the Board should draw attention to any facility or service in the area which, in the authority's view, would constitute a 'community gain' and which might be appropriate to a condition of any permission granted.

4.7.3 Regulating the Use of Adjoining Land

The 2006 Act includes a revised provision allowing the attachment of conditions controlling the use of lands adjoining, abutting or adjacent to the application site, and which are in the control of the applicant. Any such conditions must be expedient for the purposes of or in connection with the development or be appropriate for conserving a public amenity on the adjoining, abutting or adjacent lands, but must not burden unduly the person in whose favour the permission operates. Again, the Manager's report should address this issue, if appropriate.

4.7.4 Matters to be Agreed

Conditions may provide that points of detail relating to the grant of permission may be agreed between the planning authority(s) and the person carrying out the development, and in default of agreement the matter may be referred to the Board for determination. Planning authorities should engage with the applicant as expeditiously as possible to ensure that the development is not unduly delayed.

4.8 Board Decision and Reasonable Costs

The Board may grant permission with or without modifications for all or part of the proposed development, and may attach conditions, or refuse permission.

The Board must send a copy of its decision to the applicant, the planning authority and any other body or person who made submissions or observations in relation to the application.

The decision of the Board must state:

- the main reasons and considerations for the decision,
- the main reasons for the imposition of any conditions,
- that the Board has had regard to any submissions or observations received in accordance with the Act or Regulations,
- the sum of money to be paid to the Board towards the costs of conducting pre-application consultations, scoping the EIS and of determining the application and such cost as the Board considers reasonable to any planning authority that incurred costs during the course of consideration of the application. In addition, the Board may award an amount as a contribution to the reasonable costs incurred by any other person or body during the course of consideration of the application.

In accordance with section 37H (1A) of the Planning and Development Act 2000, as amended, the Board is required to publish notice of its decision under section 37G in one or more newspapers circulating in the area. The notice must state that a person may question the validity of the decision in accordance with section 50 of the Act. The notice must also state where practical information on the review mechanism can be found.

Where the decision of the Board is to grant planning permission, the grant does not become operative until all costs awarded by the Board have been paid. If costs are not paid, the Board, the planning authority and each other person who is awarded costs may seek recovery as a simple debt in any court of competent jurisdiction. The Board has set a period of thirty days as the period within which costs should be paid by the applicant before it will initiate action to recover its own costs.

The planning authority should submit its claim for costs to the Board at the appropriate time(s) and it should be detailed and fully justified. The claim should be submitted within three weeks of the conclusion of any oral hearing, or, where there is no oral hearing, within three weeks of notification of that fact. Where the Board requests further information, re-opens the oral hearing or holds a meeting after a claim has been submitted, the planning authority should submit a supplementary claim to the Board within 3 weeks of making the submission or the conclusion of the hearing or meeting.

In general, it is not envisaged that the planning authority would engage specialist consultancy advice in the expectation that the Board will require the applicant to pay the cost of any such consultancy services without prior notification to, and consultation with, the Board. This is in order to avoid duplication of costs incurred by the planning authority and the Board. It is desirable that any such consultations with the Board in relation to the employment of specialist consultants should take place at an early stage following the submission of an application for permission.

5. Amendments of Permission / Clarification of Decision

The applicant or any other person carrying out strategic infrastructure development granted by the Board may request the Board to alter the terms of the permission. The procedures to be adopted in such cases are detailed in a separate Board memorandum entitled “7th Schedule: Strategic Infrastructure Development – Guidelines for Applicants”. The Board must give public notice of its determination and will send a copy of the determination to the relevant local authority. A positive determination will have the effect of altering the planning permission. In certain cases, an EIS may be required and the usual public and other consultation process will be involved including giving public notice of the EIS.

Where a clerical error is involved, or where the Board considers it necessary to clarify what it intended should be facilitated by the permission, the Board may amend its decision. Such amendment may not, however, result in a material alteration to the terms of the development. The Board may invite submissions to it before it decides to amend a decision.

It is expected that a copy of any determination / clarifications referred to above will be placed on the public files, including the file held by the local authority.

6. Enforcement of Decisions and Conditions

The enforcement of decisions for 7th Schedule strategic infrastructure development, including conditions attached, is a matter for the planning authority. The enforcement provisions of the Planning and Development Act, 2000, as amended apply.

7. Issues to be addressed in the Planning Authority Report

The specific issues to be addressed in the report of the planning authority required under section 37E(4) of the 2000 Act will vary from report to report depending on the nature of the proposed development and the receiving environment. The following list of topics will give general guidance to planning authorities but may need to be amended to suit a specific report.

- Main relevant Development Plan provisions relating to the subject site and surrounding area including the relevant Core Strategy provisions. A clear indication of the current status of the relevant Development Plan and any Draft Plans should be given, together with any relevant issues arising .
- Details of other relevant Plan provisions (e.g. Local Area Plans) and statement regarding status of these Plans (adopted or in draft form).
- Relevant planning history relating to the subject site and the surrounding area.
- Relevant enforcement information relating to the subject site.
- Relevant national, regional and local policies.
- Any SAAO which may be affected by the proposed development.
- European designations, Natural Heritage Areas, which may be affected by the proposed development (whether in or proximate to same).
- Protected Structures, ACA's etc.
- Waste policy, which may be relevant to the proposed development. This will arise particularly in the case of applications for waste facilities where policies, objectives and other provisions of Waste Management Plans should be referred to in addition to the Development Plan.
- Adequacy of the public water supply.
- Public sewerage facilities and capacity to facilitate the proposed development.
- Availability and capacity of public surface water drainage facilities.
- Flood risk assessment in accordance with *The Planning System and Flood Risk Management – Guidelines for Planning Authorities (November 2009)*.
- Assessment under the Water Framework Directive and associated regulations.
- Appropriate assessment under the Habitats Directive.
- Comments on the adequacy etc. of the EIS submitted with the application.
- Assessment of landscape status and visual impact, as appropriate.
- Carrying capacity and safety of road network serving the proposed development.

- Environmental carrying capacity of the subject site and surrounding area, and the likely significant impact arising from the proposed development, if carried out.
- Part V (social and affordable housing) provisions (which may be applicable in rare cases).
- Description of any public use of adjoining, abutting or adjacent lands in the applicants ownership, and the planning authority's view on any condition which may be appropriate for the purpose of conserving a public amenity on those lands.
- Planning authority view in relation to the decision to be made by the Board.
- Planning authority view on conditions which should be attached in the event of the Board deciding to grant permission. (Where an IPPC or Waste licence is required, the Board cannot impose conditions relating to the control of emissions from the activity for which a license is required).
- Planning authority view on community gain conditions which may be appropriate.
- Details of relevant section 48/49 development contribution scheme conditions which should be attached in the event of a grant.
- Details of any special contribution conditions which should be attached in the event of a grant along with detailed calculations and justification for the conditions.

Note. It is anticipated that the planning authority report will include the views/recommendations of all relevant departments and personnel in the local authority as well as the planning authority's overall considered view on the proposal.

