

An  
Bord  
Pleanála

**Board Order**  
**ABP-318316-23**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 5126/22**

**Appeal** by The Moore Street Preservation Trust care of the Ireland Institute, The Pearse Centre, 27 Pearse Street, Dublin and by Stephen Troy care of Troy's Family Butchers Limited of Unit 6, Greeg Court, Moore Street, Dublin and by Dublin Central GP Limited care of Stephen Little and Associates of 26/27 Upper Pembroke Street, Dublin against the decision made on the 3<sup>rd</sup> day of October, 2023 by Dublin City Council to grant subject to conditions a permission to Dublin Central GP Limited in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Permission for a period of 11 years at a site, 'Dublin Central - Site 2' (circa 1.33 hectares), at Number 43 (a Protected Structure), Number 44 (a Protected Structure), Numbers 45-49, Numbers 50-51 O'Connell Street Upper (a vacant site), Numbers 52-54 (a Protected Structure), Numbers 55-56, Number 57 (a Protected Structure), Number 58 (a Protected Structure) and Number 60A O'Connell Street Upper and the rear of Numbers 59-60 O'Connell Street Upper, Dublin. Also, the site includes Number 13 Moore Lane, Number 14 Moore Lane (otherwise known as Numbers 1-3 O'Rahilly Parade and Numbers 14-15 Moore Lane or Numbers 1

-8 O'Rahilly Parade and Numbers 14-15 Moore Lane) and the public realm associated with O'Rahilly Parade, Moore Lane, Henry Place and a portion of O'Connell Street Upper, Dublin. The site is otherwise bound by Henry Place and Numbers 59-60 O'Connell Street Upper to the south, the east side of Moore Lane to the west and west side of O'Connell Street Upper to the east and number 42 O'Connell Street Upper to the north.

The proposed development comprises a mixed-use scheme (circa 38,479 square metres gross floor area) ranging in height from two to eight storeys over single level basements including a new street between O'Connell Street Upper and Moore Lane, a new controlled Laneway from Moore Lane (adjacent Number 42 O'Connell Street Upper - a Protected Structure). The proposed development accommodates: - six number units for use as a 'licensed restaurant/café units with takeaway/collection facility' at ground floor level (Unit 1 - circa 67 square metres and Unit 2 - circa 244 square metres on Moore Lane, Unit 3 - circa 178 square metres and Unit 4 - circa 75 square metres on O'Connell Street Upper, Unit 5 - circa 58 square metres on New Street and Unit 6 - circa 296 square metres on Moore Lane and New Street; one number unit for use as a 'licensed restaurant/café unit with takeaway/collection facility' across basement, ground, 1st and 2nd floor (circa 878 square metres) on O'Connell Street Upper; eight number retail units, each for use as a 'shop' or 'licensed restaurant/café units with takeaway/collection facility' at ground floor level (Unit 1 - circa 1,041 square metres on O'Connell Street Upper and Moore Lane, Unit 2 - circa 311 square metres and Unit 3 - circa 260 square metres on O'Connell Street Upper and New Street, Unit 4 - circa 452 square metres on New Street, Unit 5 - circa 251 square metres on Moore Lane, Unit 6 - circa 162 square metres and Unit 7 - circa 58 square metres on O'Connell Street Upper and Unit 8 - circa 40 square metres on Moore Lane and new controlled Laneway); Temporary use of retail Unit 8 (circa 40 square metres) as a delivery hub, pending the completion of same at Site 5 under planning register reference number 2863/21; Office use (circa 33,714 square metres) from first to seventy floor with access from O'Connell Street Upper, rear of Number 59 O'Connell Street upper and new plaza on

Henry Place and new controlled laneway. Terraces proposed at first, third, fourth, sixth and seventh floor; Refurbishment of the 'Reading Room' (rear of number 59 O'Connell Street Upper, Dublin) as 'licensed restaurant/café unit with takeaway/collection facility' at ground floor level and ancillary café use at basement level (circa 244 square metres in total). The single level basement comprises: - access ramp from Moore Lane; 32 number car parking spaces; 372 number bicycle parking spaces with access to secure bicycle storage areas from the new plaza on Henry Place and the new controlled laneway from Moore Lane; Plant and waste storage areas; A structural box (120 metres length, 26 metres width, 34.5 metres depth) beneath the ground floor level that has been designed to accommodate the independent construction and operation of the planned O'Connell Street MetroLink Station by Transport Infrastructure Ireland, including provision of the structural envelope and co-ordinated voids to accommodate station entrances, ventilation and fire escape shafts through this part of the Dublin Central proposed development. These ensure that the Dublin Central proposed development is structurally independent of, and not prejudicial to, the MetroLink project. The MetroLink project will be the subject of a separate application for approval to be made by Transport Infrastructure Ireland. This part of the Dublin Central proposed development is referred to as the MetroLink Enabling Works; All associated and ancillary site development, conservation, demolition, landscaping and temporary works, including: - Conservation, repair, refurbishment and adaptive reuse of part of the existing building fabric, including: - Retention of part of the rear of Number 59 O'Connell Street Upper (known as the 'Reading Room') internal and external modifications and new shopfronts; Retention of the facades of Numbers 57-58 O'Connell Street Upper (Protected Structures); Retention of the facades of Numbers 52 - 54 O'Connell Street Upper (Carlton Cinema - Protected Structures) including the reinstatement of the canopies; Retention of the facades of numbers 43-44 O'Connell Street Upper (Protected Structures); Retention of the facade of number 45 O'Connell Street Upper; Works to include repair and upgrade works (where required) of retained masonry, external and internal joinery, plasterwork and features of

significance; Conservation and repair of existing lightwells on O'Connell Street Upper; Demolition of all other existing buildings and structures on site (circa 22,521 square metres) including number 13 Moore Lane and number 14 Moore Lane (otherwise known as numbers 1-3 O'Rahilly Parade and numbers 14-15 Moore Lane or numbers 1 - 8 O'Rahilly Parade and numbers 14 - 15 Moore Lane) to facilitate a temporary construction compound; Laying of services in Parnell Street westwards from Moore Lane for approximately 49 metres; Improvement works to the public realm on O'Rahilly Parade, Moore Lane and Henry Place, including the provision of a new entrance off O'Connell Street Upper for deliveries/emergency access. There are also adjustments and improvement works proposed at the junctions of Moore Street with Henry Place and with O'Rahilly Parade; Creation of a new street connecting O'Connell Street Upper with Moore Lane and provision of a new plaza at the junction of Moore Lane and Henry Place; three number telecommunication lattice towers which can accommodate three number 800 mm antenna and two number 300 mm microwave link dishes with associated equipment on the building rooftop in Site 2C; two number ESB sub-stations; Building signage zones and retractable canopies. The application site is within the O'Connell Street Architectural Conservation Area. An Environmental Impact Assessment Report (EIAR) accompanies this application; as amended by the revised public notice received by the planning authority on the 9<sup>th</sup> day of August, 2023.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## Reasons and Considerations

In coming to its decision, the Board had regard to:

- (a) Project Ireland 2040 National Planning Framework which seeks more balanced and concentrated growth and targets a significant proportion of future urban development on infill/brownfield development sites within the built footprint of existing urban areas,
- (b) the objectives of the Dublin Metropolitan Area Strategic Plan, as set out in the Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019-2031, to promote sustainable consolidated growth of the Metropolitan Area including brownfield and infill development,
- (c) the “Architectural Heritage Protection Guidelines for Planning Authorities” issued by the Department of Arts, Heritage and the Gaeltacht in October, 2011,
- (d) the provisions of the Dublin City Development Plan 2022-2028 and the site's location in Dublin City Centre on lands for which the zoning objective Z5 is to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity,
- (e) the general compliance and guidance principles with the Masterplan prepared as espoused within the SDRA 10 - North East Inner City of the Dublin City Development Plan 2022-2028,
- (f) the incorporation of a convenient access route within the scheme to the proposed Metrolink station on O’Connell Street,
- (g) the character and pattern of existing and permitted development in the area,

- (h) the layout, form, mass, height, materials, finishes and design detail of the proposed development as well as the proposed land uses contained in the scheme,
- (i) the Environmental Impact Assessment Report submitted,
- (j) the appeals and observations made in connection with the planning application, and
- (k) the report of the Inspector.

In deciding not to accept the inspector's recommendation to omit the top floor the loggia and the plant enclosure at the northwest corner of Block 2C, the Board considered that the top floor was sufficiently set back from the streetscape of O'Connell Street so as not to adversely impact on views, particularly from public vantage points along Lower O Connell Street while looking northwards towards the site. The Board acknowledged that the top floor would be more readily visible from vantage points from Upper O Connell Street, Cathal Brugha Street and vantage points in the vicinity of Parnell Square. Notwithstanding this, the Board considered that that there was a sufficient variation in the height and roofscape of buildings particularly along the southern side of Parnell Street and the northern end of Moore Lane to ensure that the top floor and associated plant of Block 2C would not look visually incongruous or inappropriate in the context of the existing skyline so as to adversely affect the visual amenities of the area.

In reaching its determination on this matter the Board also had particular regard to the model presented as part of the application, together with the photomontages and the totality of drawings and considered Block 2C as presented at Further Information Stage provided an architecturally coherent and resolved solution to the roof profile of this Block.

The Board also noted and shared the opinion of the inspector that, on the particular facts of the case, and having regard to the amount of office space available wherein a proportion would be capable of reconfiguration at one or more locations within the scheme and that a condition seeking 5% floor space for community and/or cultural arts space as per the requirements of Objective CUO25 of the Dublin City Development Plan 2022-2028 was warranted and justified in this instance.

### **Environmental Impact Assessment**

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale and extent of the proposed development,
- (b) the environmental impact assessment report, as amended, and associated documentation submitted in support of the planning application,
- (c) the submissions from the planning authority, prescribed bodies, the appellants and the observers in the course of the application, and
- (d) the Planning Inspector's report and recommendation.

The Board considered that the Environmental Impact Assessment Report, as amended and supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's Report, of the information contained in the Environmental Impact Assessment Report (as amended) and associated documentation submitted by the applicant and the submissions made in the course of the application.

## **Reasoned Conclusions on the Significant Effects**

The Board considered and agreed with the Inspector's reasoned conclusions that the main significant direct and indirect effects of the proposed development on the environment are as follows:

**Population and human health:** Potential positive impacts through the redevelopment of a brownfield and underutilised city centre site for employment, food and beverage and cultural spaces and the facilitation of the future provision of the O'Connell Street Metrolink Station, which will improve the townscape, visual setting, public realm and permeability of the city centre and contribute to the provision of high-capacity public transport and sustainable travel in the area. Potential negative impacts on Moore Street Market and on retail and commercial outlets in the adjoining area during the construction phase arising from the need for market traders to relocate or cease trading and the potential reduction on shopping amenity and footfall. Potential negative impacts to human beings arising from noise, dust, traffic, excavation, and demolition impacts during the construction phase will be mitigated with the preparation of a Construction and Demolition Management Plan and a Construction Traffic Management Plan.

**Cultural heritage:** Adverse impacts arising from the extent of demolition and loss of historic fabric and the height, scale and massing of two large new buildings within the sensitive historic environment, which will need to be mitigated and addressed by means of conditions requiring a reduction in height and redesign of some elements. However, the loss of a significant amount of historic fabric will be permanent and cannot be fully mitigated or addressed by means of conditions, but will be tempered by the restoration of retained structures and their adaptive re-use, the retention of the historic lanes and urban grain of the area, by the regeneration of the area which has been the subject of a prolonged period of decline and by the enhanced permeability and accessibility of the area to the public.

**Landscape and visual impact:** The proposed development entailing modern design interventions and buildings which are denser and taller than that prevailing in the vicinity will have a significant impact on the urban and visual character of the area. The proposed taller 2C Building would introduce a major new element in the townscape which would be highly visible in key views. However, it was considered that the stepping back of the larger elements of the building from the O' Connell Street elevation would appropriately reduce the scale and form of the proposed development so as to ensure the building represented an accepted intervention on the urban fabric of the area.

Notwithstanding the conclusions reached in respect of the negative impacts of the demolition of built fabric and the potential impact in terms of construction traffic, it is considered that proposals to mitigate these effects, together with the relatively short term nature of the demolition and construction phase of the proposed development, and the environmental effects arising from the demolition and construction phase would not justify a refusal of planning permission for the overall development. The wide-ranging benefits of the overall scheme include the site's identified strategic importance as a regeneration opportunity site in the current Dublin City Development Plan, which is consistent with Regional and National policy, together with its role in providing for the future Metrolink station, enlivening and animating activity at ground floor level, stimulating economic growth and in achieving compact and sustainable growth in a highly accessible and centrally located site. These matters outweigh any negative impacts identified in relation to the construction/demolition and operation of the proposed development.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector. The

Board is satisfied that this reasoned conclusion is up to date at the time of taking this decision.

### **Conclusions on Proper Planning and Sustainable Development**

It is considered that, subject to compliance with the conditions set out below, the proposed development:

- (a) would secure the redevelopment of strategic and underutilized urban land in a prominent city centre location which forms part of a Key Opportunity site in the Strategic Development Regeneration Area for the North-East Inner City, as set out in the Dublin City Development Plan 2022-2028, which is identified as a civic/cultural hub and focus for quality retail and mixed-use development. The proposed development would assist in the redevelopment and rejuvenation of this part of the city in accordance with the policies and objectives of the Development Plan,
- (b) would comply with national, regional and local policy measures and guidance which seeks to secure more compact and higher density development in city centre areas,
- (c) would facilitate the future delivery of the O'Connell Street Metrolink station,
- (d) would make a positive contribution to the architectural character of the city and add new elements of townscape interest with enhanced legibility and a distinctive sense of place, and
- (e) would not seriously injure the amenities of development in the area, the O'Connell Street and Environs Architectural Conservation Area, the character and appearance of the National Monument at Numbers 14-17 Moore Street or of the Protected Structures within the site and in the vicinity.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 28<sup>th</sup> day of July 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be 11 years from the date of this Order.

**Reason:** Having regard to the scale and complexities of the development and the phasing of demolition, excavation and construction works and the metro enabling works, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

3. The mitigation measures and monitoring commitments contained in the submitted Environmental Impact Assessment Report (EIAR), shall be implemented in full as part of the proposed development, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of environmental protection.

4. The proposed development shall be amended as follows:

- (a) Community/Cultural/Arts floor space – provision shall be made for a minimum of 5% of the development floor space for community and/or cultural/arts space, which shall be in the form of internal floor space at a location or various locations within the scheme to be agreed in accordance with the requirements of the planning authority, as per the requirements of Objective CUO25 of the Dublin City Development Plan 2022-2028. Details of the operation and management of the facility shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.
- (b) Site 2AB – The corrugated glazing detail around the door to the corner retail unit shall be omitted and replaced with a curved, high-quality bronze frame.
- (c) Site 2AB – The surviving historic fabric elements of the shopfront at Number 58 O'Connell Street Upper, including the granite piers, shall be retained and integrated into the new shopfront. 1:20 drawings and samples of tiles shall be provided.
- (d) Site 2AB - Reading Room – the following amendments shall be made:
  - (i) rooflights on the southern roof slope shall be omitted,
  - (ii) the number of openings to the building shall be rationalised to improve the symmetry on the southern wall and to retain a greater extent of the historic walls, and the door to the western elevation to be of sufficient quality (1:20 drawings required),

- (iii) the chimneybreast in the southern room shall be retained,
  - (iv) a revised means of access shall be provided to the basement,
  - (v) revised railings to the proposed ramp shall complement the setting of the historic structure (1:20 drawings required),
  - (vi) a colour coded ceiling plan showing historic fabric and later interventions, detailed internal elevations (1:50) and a detailed methodology for the repair of historic fabric to the interior of the structure are required.
- (e) Public realm – The Junction of Henry Place and Moore Lane shall be revised to retain a sense of enclosure that would reflect its historic significance and the lost building lines associated with the original laneway alignment, and plot boundaries of demolished buildings shall be appropriately demarcated incorporating salvaged fabric where feasible to ensure legibility of the 1916 battlefield site and associated evacuation routes.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

5. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority confirmation that:

- (a) the development will be monitored by a suitably qualified architect with conservation expertise and accreditation, and
- (b) competent site supervision, project management and crafts personnel will be engaged, suitably qualified and experienced in conservation works.

**Reason:** In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

6. Prior to the commencement of development on the Protected Structures at Numbers 43, 44, 52-54, 57 and 58 O'Connell Street Upper, respectively, and on Number 45 O'Connell Street Upper and the Reading Room to the rear of Number 59 O'Connell Street Upper, the developer shall submit for the written agreement of the planning authority, a detailed method statement covering all works proposed to be carried out, including:

- (a) a full specification, including details of materials and methods, to ensure the development is carried out in accordance with current conservation guidelines issued by the Department of Arts, Heritage and the Gaeltacht,
- (b) methodology for the recording and/or retention of concealed features or fabric exposed during the works,
- (c) details of features to be temporarily removed/relocated during construction works and their final re-instatement,

- (d) protection of windows during the construction works,
- (e) materials/features of architectural interest to be salvaged,
- (f) 1:20 drawings of the ground floor façade of the former Carlton cinema including details of the proposed pilasters, doors, window frames, kick plates and illumination of the proposed canopy,
- (g) 1:20 section drawings of the junction of Building 2C with Number 42 O'Connell Street Upper and O'Connell Hall indicating how rainwater will be discharged and the relevant flashings between buildings,
- (h) details of the replacement of any brickwork or any works of re-pointing which shall be undertaken so that it matches the original existing wall finish,
- (i) details of the remaining rainwater goods and bargeboard which where possible shall be repaired and reused, or the replacement of which (if any) shall match the original in terms of design and materials,
- (j) details of replacement windows which shall be modelled on surviving windows and shall match them in dimensions, opening mechanism, profiles and materials;

Details shall be accompanied by drawings of an appropriate scale of not less than 1:50 in respect of the retained historic facades and 1:10 in respect of windows.

**Reason:** In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

7. Prior to the commencement of works, the developer shall make a record of the existing protected structures and non-protected structures, to include:
- (a) a full set of survey drawings to a scale of not less than 1:50 to include elevations, plans and sections of the structure,
  - (b) the recording of the details and current condition of Numbers 43, 44, 45, 52-54, 57 and 58 O'Connell Street Upper, respectively and of the Reading Room to the rear of Number 59 O'Connell Street Upper; and,
  - (c) a detailed, labelled photographic survey of all internal rooms, including all important features and fittings, and the exterior and the curtilage of the building.

A copy of this record shall be submitted to the planning authority prior to commencement of development and to the Irish Architectural Archive.

**Reason:** In order to establish a record of these protected and non-protected structures and in the interest of the protection of architectural heritage.

8. Prior to the commencement of development on the Protected Structures, samples of materials and/or workmanship shall be submitted for the written agreement of the planning authority, and all works shall be carried out in accordance with this written agreement. In the event of agreement not being reached between the developer and the planning authority, the matter may be referred to An Bord Pleanála for determination, and all works shall be carried out in accordance with any determination made resulting from such referral.

**Reason:** In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

9. Prior to commencement of development, detailed structural drawings and a construction methodology statement (including the results of detailed structural surveys of the protected structure and all building facades to be retained) indicating the means proposed to ensure the protection of the structural stability and fabric of all these retained structures shall be submitted to, and agreed in writing with, the planning authority. These details shall include demonstrating the methods proposed to part dismantle and re-instate the existing façades and to retain other existing facades as proposed, demolition and excavation arrangements, the proposed foundation system and underpinning, structural bracing and support and method of construction.

**Reason:** In the interest of preserving the architectural integrity and heritage value of the retained structures.

10. Ground movement shall be monitored continuously throughout the demolition, excavation and construction works to ensure that no significant damage is caused to the structural fabric of the retained buildings and structures within the site and in the vicinity. A monitoring programme for ground movement during construction shall be submitted to the planning authority for agreement prior to the commencement of development.

**Reason:** In the interests of public safety and architectural heritage protection.

11. All materials, colours and textures of all the external finishes to Buildings 2AB and 2C, respectively, shall be in accordance with the Architectural Design Statements for those buildings submitted with the planning application (as amended by further plans and particulars submitted to the planning authority on the 28<sup>th</sup> day of July, 2023). Any deviation from these details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

12. Detailed elevation and section drawing (1:20) for all shopfronts, including signage, doors, illumination where required, to reflect the significance of the Protected Facades and respect the requirements of the O'Connell Street Architectural Conservation Area and Area of Special Planning Control shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Thereafter, and notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no further advertisement signs, (including any signs installed to be visible through windows), advertisement structures, banners, canopies, flags or other projecting

elements shall be displayed or erected on any of the proposed buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity and to protect the character of this Architectural Conservation Area or protected structure.

13. No external security shutters shall be erected on any of the commercial premises, unless authorised by a further grant of planning permission. Details of all internal shutters, which shall be of an open lattice design and shall not contain any form of advertising, shall be submitted for the written agreement of the planning authority prior to the commencement of development, and all internal shutters shall conform to that written agreement.

**Reason:** In the interest of visual amenity.

14. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity.

15. The developer shall agree in writing with the Department of Housing, Local Government and Heritage all measures to protect the National Monument at Numbers 14-17 Moore Street including the extent of temporary exclusion zones, the route of the proposed haul route, the design of the secant piled wall and potential impacts from vibrations. A copy of the agreement shall be submitted to the planning authority prior to commencement of development.

**Reason:** In order to protect the archaeological heritage of the National Monument.

16. The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record (archaeological excavation) and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

17. All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Impact Assessment for Site 2 carried out by Courtney Deery Archaeology and Cultural Heritage (12/09/22) and Chapter 16 of the Environmental Impact Assessment Report (as amended by further Information submitted on the 28<sup>th</sup> day of July 2023) shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this permission. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/ excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest

18. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development, including the external fabric of the buildings, internal common areas, landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services, shall be submitted to, and agreed in writing with, the planning authority before any of the commercial units are made available for occupation.

**Reason:** To provide for the future maintenance of this private development in the interest of visual amenity.

19. Prior to the occupation of any of the retail, restaurant or café units, the specific use of each unit shall be agreed in writing with the planning authority.

**Reason:** In the interest of clarity and to ensure an appropriate mix of uses.

20. The developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public health and to protect the amenities of the area.

21. (a) Where the noise in question does not contain acoustic features that enhance its impact such as tones or impulsive elements, the Lae level measured over 15 mins (daytime) or 5 minutes (night-time) at a noise sensitive premises when plant is operating shall not exceed LA90 (15 minutes day to 5 mins night) by 5 dB or more, measured from the same position, under the same conditions and during a comparable period with no plant in operation.
- (b) Where the noise in question does not contain acoustic features that enhance its impact such as tone or impulsive elements, the rating noise level, LAr, T shall be compliant with BS 4142:2014+A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound.

**Reason:** In order to protect adjoining residential amenity.

22. The landscaping scheme shown on the Landscaping Masterplan and associated drawing and documents, as submitted to the planning authority and amended by further information submitted on the 28<sup>th</sup> day of July, 2023 shall be carried out within the first planting season following substantial completion of external construction works.

Prior to commencement of development, the developer shall submit detailed specifications to be agreed in writing with the planning authority addressing the following matters:

- (a) the areas of open space shown on the Public Realm and Landscaping Masterplan shall be reserved for such use and shall be levelled, contoured, soiled and seeded and landscaped in accordance with the requirements of the planning authority,
- (b) a management strategy and public access arrangements for the public spaces,
- (c) a programme for all landscaping works setting out the proposed detailed design and maintenance of the landscaping including the accommodation of year-round interest with high biodiversity and pollinator friendly species,
- (d) details of the architectural treatment, street furniture, lighting and signage for each public space which shall reflect the character, function and use of each space with an objective of achieving good quality public realm and maximum social interaction,
- (e) an artist's brief or tender for competition shall be prepared in order to secure appropriate artwork features/installations within the development. Details of the proposed public art installations to be provided, including locations and design of such installations,

shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development, and

- (f) any existing street trees damaged or lost during the construction phase shall be replaced by the developer in the next planting season by a tree(s) of a similar size and species or alternatively, compensation shall be paid to the planning authority to enable appropriate replacement tree(s) to be planted.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of visual amenity.

- 23. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties in the vicinity.

24. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** In the interest of public health.

25. Prior to the commencement of development, the developer shall enter into a connection agreement(s) with Uisce Eireann (Irish Water) to provide for a service connection(s) to the public water and/or wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

26. Prior to the opening/occupation of the development, an updated Mobility Management Plan (MMP) shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by residents/occupants/staff employed in the development. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

27. The applicant shall submit a Car Park Management Plan. Car parking spaces shall not be privately assigned to the office development, save for use as accessible spaces and car share/fleet cars. Details of car parking design, layout and management shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. A minimum of 5% of spaces shall be reserved as accessible spaces and a minimum of 50% shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electrical connection points to allow for future fit out of charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation and safety.

28. Safe and secure bicycle parking spaces shall be provided within the site in accordance with the submitted plans prior to the occupation of the development. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers. Electric charging points shall be provided at an accessible location for charging cycles/scooters/mobility scooters. Details of the layout and marking demarcation of these spaces (the cycle storage facility) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

29. A detailed Servicing Strategy which shall include details of its implementation and monitoring, shall be submitted to the planning authority for written agreement prior to the opening/occupation of development. The strategy shall be reviewed 12 months from the occupation of the development and a copy submitted to the planning authority. Any alterations to the strategic plan required following the review shall be agreed in writing with the planning authority.

**Reason:** To ensure adequate servicing of the development.

30. Any alterations to the public roads and footpaths shall be in accordance with the requirement of the planning authority, and where required, all repairs to the public road and services shall be carried out to the satisfaction of the planning authority at the developer's expense.

**Reason:** In the interests of clarity, public safety and amenity.

31. No doors, save for emergency access or access to substations shall open outwards across the public footway/laneway.

**Reason:** In the interest of public safety.

32. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of amenity and public safety.

33. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

34. Proposals for a development name, office/commercial unit identification, street naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

35. The construction of the development shall be managed in accordance with a Construction and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
- (b) Location of areas for construction site offices and staff facilities.
- (c) Details of site security fencing and hoardings.
- (d) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site and

measures to obviate queuing of construction traffic on the adjoining road network.

- (e) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- (f) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- (g) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- (h) A monitoring programme for groundwater levels throughout the demolition, excavation and construction works.
- (i) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- (j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- (k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (l) A record of daily checks that the works are being undertaken in accordance with the Construction and Demolition Management Plan shall be available for inspection by the planning authority;

**Reason:** In the interests of amenities, public health and safety and environmental protection.

36. A detailed Construction and Demolition Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

**Reason:** In the interest of sustainable transportation and safety.

37. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

**Reason:** To safeguard the amenity of property in the vicinity.

38. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of proper planning and sustainable development.

39. The developer/contractor will be required to apply for a works permit from the LUAS Operator in accordance with the Light Railway (Regulation of Works) Byelaws 2004 (S.I. Number 101/2004), which regulates works occurring close to the LUAS infrastructure and the TII's 'Code of Engineering Practice for works on, near or adjacent to the LUAS Light Rail system'. The permit application will require prior consultation with Transport Infrastructure Ireland facilitated by the LUAS operator, Transdev. The developer shall comply with the following requirements:

- (a) construction Traffic Management Plan – the developer/contractor shall consult with Transport Infrastructure Ireland and shall identify mitigation measures to protect operational LUAS infrastructure,
- (b) Construction and Demolition Management Plan – the developer/contractor shall consult with Transport Infrastructure Ireland and shall identify and agree a method statement in accordance with the Transport Infrastructure's Code of Practice and shall resolve all LUAS interface issues including (i) identify all LUAS alignment interfaces, (ii) provide a risk assessment for works associated with the interfaces, and (iii) provide mitigation measures for unacceptably high risks, including a vibration and settlement monitoring regime, if necessary,
- (c) Overhead Conductor System (OCS) – the developer shall provide plans and details for the OCS pole protection and safety distances and/or for the existing, temporary and subsequent permanent fixings.

These details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall be liable for all costs associated with the removal and reinstatement of the LUAS related infrastructure, or for any loss of

LUAS revenue associated with a suspension of passenger services, or alterations to the LUAS infrastructure which may arise out of or as a consequence of the design, construction or the operation of the development.

**Reason:** To ensure the safe operation of the railway.

40. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development and the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development or reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To secure the satisfactory completion of the development and in the interest of traffic safety.

41. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

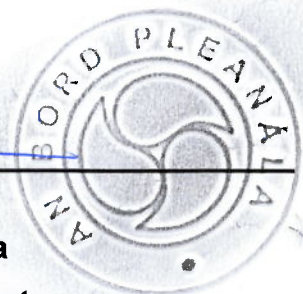
42. The developer shall pay to the planning authority a financial contribution in respect of LUAS Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.



**Paul Caprani**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**



Dated this 8<sup>th</sup> day of April 2025.