



An
Bord
Pleanála

Inspector's Report ABP 312642-22

Development	15 apartments, café/restaurant with takeaway facility, cultural use and office use. Protected Structure.
Location	10-13 & 18-21 Moore Street, 5A Moore Lane, 6-7 & 10-12 Moore Lane and 17-18 Henry Place, Dublin 1.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2862/21
Applicant	Dublin Central GP Limited
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	<ol style="list-style-type: none">1. 3rd Party v. grant2. 1st Party v. condition
Appellants	<ol style="list-style-type: none">1. Ray Bateson2. Moore Street Traders Committee3. Moore Street Preservation Trust4. Dublin One Business Alliance

5. Sinn Fein Group on Dublin City Council
6. Mary Lou McDonald TD
7. Colm O'Murchu
8. The Save 16 Moore Street Committee
9. Troy Family Butchers Ltd.
10. Dublin Central GP Limited

Observers

1. Cllr Donna Cooney
2. Aengus Ó Snodaigh TD
3. Cllr John Lyons
4. Relatives of the Signatories of The 1916 Proclamation
5. Clare Daly
6. Harry Coyle & Proinsias O'Ratháille
7. Moore Street Preservation Society
8. Brian McGrath
9. Gerry Adams
10. Shane Stokes
11. Cllr Daithi Dolan
12. The Lord Mayor Forum
13. The 1916 GPO Garrison Relatives

Date of Site Inspection

01/09/22

Inspector

Pauline Fitzpatrick

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1.0 Introduction

- 1.1. The Board is advised that this comprises one of three appeals currently before it pertaining to part of a larger site referred to as *Dublin Central Development*. The said larger site is made up of 3 no. urban blocks equating to 2.2 hectares bounded by O'Connell Street Upper and Henry Place to the east, Henry Street to the south, Moore Street to the west and O'Rahilly Parade and Parnell Street to the north. A masterplan for the overall site has been prepared by the applicant. The masterplan provides for a mix of uses including retail, cafes/restaurants, offices, residential, hotels and cultural uses. It entails new pedestrian links from O'Connell Street to Moore Street and Henry Street to Moore Street, in addition to two open spaces/squares. The overall development site is divided into 6 sites. The proposal, subject of this appeal, comprises Site 4. There are two concurrent appeals with the Board for Sites 3 and 5 as delineated in the masterplan. File refs. ABP 312603-22 (2861/21) and ABP 313947-22 (2863/21) refer respectively.
- 1.2. Sites 3, 4 and 5 subject of the appeals pertain broadly to the eastern side of Moore Street as far as Moore Lane and Henry Place to the east, O'Rahilly Parade to the north and Henry Street to the south.

2.0 Site Location and Description

- 2.1. The site, which has a stated area of c 0.31 hectares, comprises of two sections of a terrace of buildings fronting onto Moore Street to either side of the National Monument at Nos. 14-17 Moore Street. It is bounded by Moore Street to the west, Henry Lane to the south and Moore Lane to the east. The remainder of the terrace which forms part of Site 5 bounds the site to the north.
- 2.2. The site includes Nos. 10-13 Moore Street and Nos. 18-21 Moore Street. They comprise of 2 and 3 storey red brick terraced units, some with retail at ground floor. The upper levels appear to be vacant.
- 2.3. Nos. 6-7 Moore Lane are two storey buildings which are unoccupied. No. 5A Moore Lane (also known as 15-16 Henry Place) is a two storey brick fronted building with Nos. 17-18 Henry Place (also known as 4-5 Moore Lane) a single storey warehouse.

- 2.4. The site boundary subject of the application includes two smaller areas to the north for the purposes of facilitating the construction phase. These include the demolition/removal of a length of 20th century boundary to Moore Lane at the rear of Nos. 50-51, 52-54 Upper O'Connell Street and inclusion of part of a vacant site at No.14 Moore Lane.
- 2.5. The opposite side of Moore Street is dominated by the Ilac centre.

3.0 Proposed Development

- 3.1. The application is accompanied by two suites of documents. The 1st relate to the masterplan for the overall *Dublin Central Development* site and the 2nd to the proposed development of the subject site (Site No. 4 as labelled in the said masterplan).
- 3.2. The application was lodged with the planning authority on the **01/06/21** with further plans and details submitted **19/10/21** with revised public notices submitted **09/11/21** following a request for further information dated 28/07/21.
- 3.3. As amended the proposal entails:-

A mixed-use development with a gross floor area of c.3290 sq.m. providing for 15 no. apartments over retail, café/restaurant, office and cultural use.

South of National Monument

Demolition

- Nos. 11 – 13 Moore Street save for the party wall between Nos 12 and 13
- No. 5A Moore Lane save for external walls (also known as Nos. 15-16 Henry Place).
- Nos. 17-18 Henry Place save for ground floor front façade (also known as Nos 4-5 Moore Lane).

New Build/Adaption

- 1 – 3 storey building with adaption of No. 10 Moore Street and Nos. 6 - 7 Moore Lane providing for: -
- 11 no. apartments accessed from central courtyard off Henry Place

- 7 no. 1 bed
- 4 no. 2 bed
- 5 no. retail units/restaurant/licenced premises fronting onto Moore Street and Moore Lane
- 1 no. office unit at 1st floor to Nos. 6-7 Moore Lane.

North of National Monument

Demolition

Nos. 18 -19 Moore Street

Nos. 10-11 Moore Lane

New Build/Adaption

Nos. 20-21 Moore Street to be refurbished and adapted to provide:-

- Café/restaurant/licenced premises with takeaway at ground floor level addressing both Moore Street and the new public open space to the area.
- 2 no. 1 bed apartments at 1st and 2nd floor
- 2 no. 2 bed apartments at 1st and 2nd floor
- 2 storey extension (60 sq.m. gross) to side of No. 17 Moore Street (National Monument) to be used as ancillary to same.
- Provision of new archway between gables of No.17 (as extended) and No. 20.
- 2 storey building (250 sq.m. gross) to rear of Nos. 14-17 Moore Street to sit independently of the northern boundary of No. 9 Moore Lane. The unit is to be for licenced restaurant/café with takeaway.
- Provision of part of a new plaza (1,085 sq.m.) with associated temporary works pending its completion as part of site 5. The entire public space would have an area of 1253 sq.m.

A 7-year permission is being sought

3.3.1. A request for further information dated 28/07/21 sought:

- 3D model
- Contextual elevational drawings
- Design of proposed archway
- Details on building fabric to be retained and clarification of historic fabric on site.
- Indicative details of the presentation of surviving holes in party walls formed during The 1916 Rising.
- Arrangement of substation and LV room to rear of No. 10 Moore Street
- Consideration whether the building line of north facing elevation of new building onto No.10 Moore Lane can be realigned to more closely follow the historic plot arrangement and urban grain
- Reconsideration of the oversized upper gables to the new buildings at Nos. 11 – 13 Moore Street
- Cycle parking

3.3.2. A response to the further information request was received on 20/10/21 with revised public notices submitted 09/11/21. The amendments result in a marginal increase in the floor area.

3.3.3. The application is accompanied by the following documents, some of which were amended/supplemented by way of further information:

- Planning Application Report
- EIAR
- Architectural Heritage Impact Assessment
- Architectural Design Statement (incl. Schedule of Accommodation)
- Archaeological Impact Assessment
- Sunlight, Shadow and Daylight Analysis Report
- Landscape Planning Report

- Energy and Sustainability Statement
- Servicing Management Plan
- Lighting Planning Report
- Engineering Assessment Report
- Basement Impact Assessment
- Preliminary Risk Assessment
- Structural Report
- Subterranean Construction Method Statement
- Flood Risk Assessment
- Hydrological and Hydrogeological Qualitative Risk Assessment
- Transport Assessment – Vol. 1
- Travel Plan
- Preliminary Construction Traffic Management Plan
- Outline Construction and Demolition Management Plan
- Telecommunications Report
- Commercial Rationale Report
- Appropriate Assessment Screening Report
- Survey of Machinery at 6-7 Moore Lane
- Letter of consent from National Monuments Service, Department of Housing, Local Government and Housing to lodge the application.
- Letter from Irish Aviation Authority requiring notification of proposed crane operations.
- Letter of no objection from Dublin City Council to the making of the application in respect of land comprising 20-24 Moore Street, 1-3 O'Rahilly Parade and 14 -15 Moore Lane in its ownership.

- Letter from Transport Infrastructure Ireland stating memorandum of understanding has been agreed to locate the future planned Metrolink station within the Dublin Central Development site.

4.0 Planning Authority Decision

4.1. Decision

Grant permission for the above described development subject to 29 conditions. Of note:

Condition 3: 5 year permission

Condition 4: Development to be revised as follows:

- a) Archway to be reduced in scale with a fenestration pattern retained above the opening which shall be more closely aligned to the fenestration pattern of the adjoining building at No.17 Moore Street.
- b) Boundary between Moore Lane and new public space in the area to the north of the site shall be further delineated by means of changes in surface treatment and additional street furniture.

Condition 5: Use of two storey extension to side of National Monument at No.17 to be agreed prior to commencement of development.

Condition 6: Details of treatment of the boundary between the new public space and the adjoining site to the north in the interim period between completion of development on the two sites, to be submitted for written agreement prior to commencement of development.

Condition 7: Updated management scheme to be submitted for agreement.

Condition 8: Applicant to facilitate Department of Housing, Heritage and Local Government, the Irish Heritage Trust or such other body as is responsible for the development of the commemorative centre in the National Monument at Nos. 14 -17 Moore Street in relation to the development of a 1916 Memorial Trail and shall facilitate the provision of signage, sculpture, lighting or other infrastructure as may be required.

Condition 9: Name and numbering regime to be agreed in writing.

Condition 11: During construction works the developer/owner is requested to ensure the protection of the Moore Street Casual Trading Area as far as is practicable and provide support and liaise with the Casual Traders and/or representatives where ongoing trading is no longer possible or construction works necessitate relocation of the Casual Trading Area.

Condition 12: Any change from the permitted retail units to café or restaurant shall be subject to a separate grant of permission.

Condition 13: (a) all restaurants permitted shall be seated restaurants and any takeaway or delivery element shall be ancillary.

(b) hours of operation of restaurants to be agreed prior to occupation.

(c) details of extraction and ventilation to restaurants to be agreed prior to operation.

Conditions 14 -16: shopfront requirements.

Condition 17: Conservation requirements including:

(e)(i) detailed methodology for demolition of buildings adjacent to the National Monument and adjacent to buildings that are to be retained

(ii) consideration and submission of revised proposals for the retention of more of the historic definition and enclosure of Moore Lane including how former historic plots can be represented as part of the proposed landscaping design of the new public space.

(iii) Nos. 17-18 Moore Lane

(iv) No. 10 Moore Street

(v) Nos. 11-13 Moore Street

(vi) Nos. 20-21 Moore Street

(vii) Nos. 6-7 Moore Lane

(viii) New saw toothed 2 storey building No. 10 Moore Lane

(ix) Historic remnants of external surface finishes

(x) display of creepholes.

Condition 18: Archaeological requirements including:

- (a) Moore Street National Monument – agreement with OPW and Department of Housing, Local Government and Heritage and project archaeologist to monitor and maintain temporary exclusion zones around the monument and other areas of significance. Extent of exclusion zones to be agreed with planning authority and department prior to commencement of development.
- (b) Archaeological monitoring, testing and excavation.

Condition 21: (a) detailed Demolition and Construction Traffic Management Plans to be submitted.

- (b) prior to opening an updated Mobility Management Strategy to be submitted.
- (c) prior agreement to be secured for all works to the public road network.
- (d) updated Services Strategy to be agreed prior to opening.
- (e) review of Services Strategy to be carried out within 12 months of occupation of development. Any future changes and further reviews deemed necessary by the planning authority to the strategy in the ongoing monitoring to be agreed.

Condition 23: (a) Final and updated Construction and Demolition Waste Management Plan to be agreed prior to commencement of development.

Condition 25: All mitigation and monitoring measures in EIAR to be implemented save as may otherwise be required to comply with the conditions.

Condition 26: Noise requirements during construction and demolition phases.

4.2. Planning Authority Reports

4.2.1. Planning Reports

1st Planner's report dated **26/07/21** notes:

- The proposal is of a relatively modest scale in the context of its surroundings and is considered to provide planning gain.
- While the overall height and scale of the arch is consistent with the surrounding facades there is concern in relation to the size of the opening and its design which could be seen as attempting to replicate or compete with the

façade treatment and parapet levels of the National Monument. A more restrained design for the archway required.

- Plaza will require high quality material, lighting and street furniture. Full details of the proposed interface between the plaza and site 5 needs to be agreed in the event of a grant of permission.
- In general the proposal for the northern area of the site is in keeping with development plan policies in relation to permeability and the design of new residential neighbourhoods and urban quarters, providing for a new public space and new pedestrian routes through the site. An appropriate balance must be struck between the retention of existing buildings, including those which are not considered to be of architectural, historical or other significance and demolition to allow for new development or to facilitate permeability or the provision of new streets or spaces.
- The mix of uses on Moore Lane is welcome as it will animate the lane, increase footfall while largely retaining the building line.
- The applicant's request to a degree of flexibility in the smaller shop units to allow for possible café restaurant use is noted. While there is no objection in principle it is noted that other than in the case of a limited number of units the public notices refer only to retail use. Café/restaurant use could not, therefore, be permitted in the case of these units.
- The plaza would provide an amenity which would complement the retail offering on the site, would provide outdoor seating for the proposed café/restaurants and will help to facilitate the 24 hour city in the area, in addition to providing public open space for the proposed residential units on the site and on adjoining sites. It would also complement the cultural uses proposed on the adjoining national monument site.
- The provision of additional apartments with two or more bedrooms would be welcomed in the interests of developing a residential community in the area.
- Having regard to the central location and the constraints posed by the high quantum of fabric retained, in addition to the high proportion of dual aspect units proposed and provision of communal open space and public open

space, it is considered that the apartments provide for an acceptable standard of residential amenity and any deficiencies are compensated for by the overall quality of the proposed development. In the case of these deficiencies, it is considered that the degree of flexibility permitted in the case of building refurbishment and living over the shop type developments can be applied.

- The proposal would allow for permeability through the site which would include the development of a 1916 historical trail. This, together with the proposals for the adjoining National Monument could help to improve awareness of the significance of the buildings and streets. The development of a trail would require careful consideration and co-operation from the various stakeholders including the State and the MSAG.
- It will be necessary to balance the adverse impact on traders and the trading environment against the benefits of the proposal in respect of regeneration and the planning gain incurred by the restoration of buildings, reuse of upper floors, proposed new public street and space and provision of active frontages to Moore Lane. The recommendations of the Moore Street Advisory Group as set out in the report to the Minister for Heritage and Electoral Reform dated May 2021 are noted in this regard.
- The quantum of retail proposed on the site is modest, is mainly by way of replacement of existing retail space and is not of a scale as to result in a threat to existing retailers.
- It is considered that the proposal addresses many of the concerns in relation to the development of the site including how the historical significance of the site and the events of 1916 can be recognised and commemorated in the development. The proposed design does not preclude the development of a future cultural quarter surrounding the National Monument.
- The contents of the Conservation Officer's report noted.

A request for further information recommended.

The **2nd Planner's** report dated **12/01/22** following further information notes:

- The model demonstrates the low rise nature of the proposal relative to the proposed developments on either side.

- Appropriate interim treatment of the open space boundary to site 5 and Moore Lane required. The latter is to ensure that it remains legible as a lane which was the scene of the final stages of The 1916 Rising. A condition required to ensure maintenance of public access through the space at all times.
- The scale and grain of development is considered to be acceptable and in keeping with the existing streetscape and the setting of the National Monument.
- There are still concerns as to the scale of the proposed opening and a more restrained design which does not dominate the terrace would be preferred. It is accepted that an opening similar to that on Eustace Street could be too narrow to allow for the required pedestrian flow. A wider opening could be would achieve this and also reduce the likelihood of antisocial behaviour. However, in order to integrate better with the streetscape, the opening would need to be lower in height than that proposed with windows above.
- The redesign of Nos. 11 – 13 Moore Street is more subtle and integrates more effectively within the streetscape.
- The need for continued consultation in order to facilitate the development of appropriate and sensitively designed heritage infrastructure, signage and wayfinding, in association with the relevant statutory bodies and stakeholders, is essential in ensuring that the proposal helps to achieve cultural and heritage objectives for the area and provides for high quality regeneration and planning gain.
- While the proposal may result in longer term benefits to the street and, therefore, to the Moore Street market, there may be impacts during the construction process including cumulative impacts on adjoining sites. A condition seeking its protection as far as practicable recommended.
- New public areas to be managed by a private company. A condition ensuring public access recommended.

A grant of permission subject to conditions recommended.

4.2.2. Other Technical Reports

1st Conservation Officer's report dated **23/07/21** notes:

- There are serious concerns in relation to the extent of demolition that has informed the Dublin Central Development site.
- It is noted that within the overall works it will be necessary to remove the rear boundaries/buildings along the east side of Moore Lane from the rear of 57 O'Connell Street as far as and including the rear of Nos. 50-51 O'Connell Street to accommodate construction traffic. Although this is outside the boundary of Site 4 the cumulative erosion of the sense of enclosure and scale of Moore Lane by such removals and the creation of new external spaces raises concerns relating to the legibility and understanding of the particular intangible resonance and significance of this place which was an important part of the evacuation route from the GPO, particularly at the junction between Moore Lane and Henry Place.
- 3 no. of the buildings are being considered for inclusion in the Record of Protected Structures – Nos. 10. Moore Street, the former bottling stores on Moore Lane to the rear of 10 Moore Street and Nos. 20 and 21 Moore Street.
- A detailed drawn and photographic survey of all surviving pavement surfaces recommended. Careful removal and replacement preferably in location where they were found.
- In view of the sensitivity of No.10 Moore Street including its rear yard review required of the ESB substation and LV room at this location onto Henry Place to ensure the legibility of the yard.
- Notwithstanding that the party wall between Nos. 18-19 has been deemed to be of little or no interest and constructed between c.1917 and 1959, its alignment follows the historic plot arrangement. Consideration to be given as to whether this alignment could be used for the proposed new building facing the new public square off Moore Lane to reflect the historic plot and urban grain that has survived since the late 18th/early 19th century and to provide a method statement for the salvage of good quality and sound bricks and granite coping stones for reuse.

- Clarification required whether the existing shed at the rear of Nos. 20 and 21 replaced the loft from which Padraig Pearse viewed Moore Lane.
- Methodology for retaining party walls to Nos. 15 Henry Place and 5A Moore Lane required.
- Methodology for demolition that would facilitate the retention of the party wall to Nos 17-18 Henry Place and analysis of the embedded carbon required.
- Methodology required for demolition of Nos. 10 -11 Moore Place
- Contextual/elevation drawings of the existing buildings within the site recommended.
- The corners along Henry Place and particularly at the junction with Moore Lane must be respected and that the existing corner buildings remain in place as this vista looking north along Moore Lane towards the Rotunda Hospital and the Presbyterian Church Spire is compelling and particularly resonates within the context of the 1916 Battlefield.
- The continuation of the street traders on Moore Street must be skilfully accommodated within the new arrangements. Further information required on how the tradition of street traders will be combined with the National Monument both in terms of interpretation and in physical terms.
- The height, scale and massing of the proposed new interventions are sympathetic to the environs and respect the existing scale.
- Further consideration of the upper gables to Nos. 11, 12 and 13 Moore Street recommended.
- Sufficient level of variation required to fenestration and shopfront design
- The concept of the archway is acceptable in principle but requires further consideration.

A request for further information recommended.

The **2nd Conservation Officer's** report dated **17/12/21** following further information notes:

- The applicant to consider how more of the historic definition and enclosure of the historic Moore lane can be retained and how the former historic plots can be represented in the proposed landscaping design of the new public space.
- The contextual elevations clearly illustrate the significant and abrupt jump in scale between the proposed buildings and existing buildings within the site and the wider area.
- The preferred option for the arch is still unconvincing, inanimate and is unresolved in terms of its form, articulation, detailing and animation. Further consideration required.
- Alterations to shopfronts, external finishes and historic fabric investigation and treatment recommended. All possible measures to be taken to avoid loss or damage of historic materials.
- Baseline survey of historic fabric to be undertaken.
- Location of rare items of technical significance in the machinery at 6-7 Moore Lane to be agreed.

A grant of permission subject to conditions recommended.

City Archaeologist's report dated **14/07/21** recommends that a project archaeologist be employed and sets out a series of conditions to be attached should permission be granted.

Engineering Department – Drainage Division in a report dated **12/07/21** has no objection subject to conditions.

Environmental Health Officer in a report dated **20/07/21** recommends a construction management plan which is compliant with the Air Quality Monitoring and Noise Control Unit's Good Practice for Construction and Demolition.

1st report from **Transportation Planning Division** dated **20/07/21** notes:

- In the event that the remaining masterplan area does not come forward for development, each site should have its own residential travel plan which, in turn, can be updated accordingly.

- Revised plans showing bicycle parking required.

Further information recommended.

The **2nd report** from **Transportation Planning Division** dated **05/01/22** following further information has no objection subject to conditions.

4.3. **Prescribed Bodies**

Transport Infrastructure Ireland in a letter dated **01/07/21** has no observations to make. The site falls within the Section 49 levy scheme for Light Rail. If the scheme is not exempt a condition should be applied. The **2nd letter** dated **16/11/21** following FI states that its position remains the same.

Failte Ireland in a letter dated **05/07/21** considers that the development would contribute positively to the Dublin tourism brand by supporting the following objectives (a) quality urban design and placemaking, (b) strengthening the night time economy and (c) orientation and navigation. The development will also assist the sustainable growth of tourism by attracting more visitors to the north of the city and has the potential to support further regeneration of the north inner city including Parnell Square Cultural Quarter.

An Taisce in a report dated **05/07/21** considers that there are a number of positive aspects to the scheme. It has a number of concerns including (a) southward extension of the axis of Moore Lane out to Henry Street. It would interfere with and change the nature and sequence of the historic pattern of streets and lanes in this location. Its omission recommended; (b) extent of demolition within the masterplan and façade only retention (c) achievement of appropriate consultation with the families and relatives of those who partook in The Rising on how the development impacts on the National Monument at Nos. 14-17 Moore Street and the wider 'Battlefield Site'. Proposed development should not inappropriately dominate these smaller, 19th century buildings and ensure their sensitivities and meaningful incorporation; (d) the scale and mass should not have an overbearing visual impact on the O'Connell Street ACA and should protect its historic roofline and silhouette to the greatest possible extent.

Department of Housing, Local Government and Heritage in a letter dated **05/07/21** notes:

National Monument

- Agreement in writing with the Department and OPW to ensure that no damage occurs to the national monument.
- Project Archaeologist to monitor the temporary exclusion zones around the monument and other areas of significance. Extent of exclusion zones to be agreed with the planning authority and the Department.

Archaeological Heritage

- Conditions detailed should permission be granted addressing archaeological mitigation project and archaeological monitoring testing and excavation.

Architectural Heritage

- Details to be provided as to how the Burrow Holes between nos. 12-14 and north wall of no.10 are to be preserved and/or presented.
- The design of the archway is not in keeping with the 18th and 19th century traditional brick buildings to either side. The design should be reconsidered.
- There is insufficient information regarding the design of the brick arch as it interacts with the proposed extension to No.17.
- The historic setts should, where possible, be left in situ and repaired. Where not possible they should be lifted and reset in accordance with the relevant guidance.
- Retention of Nos. 10, 20 and 21 welcomed. Details of windows, doors, and shopfront materials and design and detailed repair methodologies to be agreed with Conservation Officer.
- Applicant should consult and agree with the Department and OPW the measures to be taken to mitigate any potential damage or risk of damage that may result from construction works that both interface with, and are in proximity to the National Monument.

- Applicant to engage appropriately qualified and competent conservation professionals to specify the works that would impact on the historic structures on, or adjacent to the site and oversee their correct completion.

4.4. **Third Party Observations**

Objections to and submissions in support of the proposal received by the planning authority are on file for the Board's information. The issues raised in objection to the proposal are comparable to the those raised the appeals and observations received by the Board which are summarised in section 7 below. Submissions in favour refer to need for redevelopment and positive knock on impacts to Dublin city centre.

5.0 **Planning History**

There is an extensive planning history within the site pertaining to individual buildings/sites in addition to an extensive history in the vicinity. I refer the Board to the summary provided in the Planning Authority's Area Planner's report on file.

In terms of the overall masterplan site I note the following file to be of particular relevance:

PL29N.232347 (2479/08) – permission granted in 2010 for redevelopment of the majority, but not all of the site covered by the *Dublin Central Development* masterplan including demolition of buildings, provision of retail, residential, office, gallery/cultural and commemorative centre in buildings ranging from 3 to 6 storeys over 3 levels of enclosed basement parking in addition to 2 no. new streets and 3 no. public spaces. The permission was for seven years. An extension of the duration of the permission was granted under reg.ref. 2479/08 X1 for a further five years. It expired in May 2022.

Condition 5 attached to the decision required the applicant to secure Ministerial Consent for works within the preservation order boundary of the National Monument. The consent was granted in 2013 subject to 53 conditions.

6.0 Policy Context

6.1. National Policy and Guidelines

Regard is had to:

- National Planning Framework
- Urban Development and Building Heights Guidelines for Planning Authorities (2018)
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020)
- Architectural Heritage Protection Guidelines for Planning Authorities, 2011.

6.2. Regional Policy

Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019

It includes the Dublin Metropolitan Area Strategic Plan (MASP)

To achieve the vision the MASP identifies a number of Guiding Principles for the sustainable development of the Dublin Metropolitan Area including:

Compact sustainable growth and accelerated housing delivery – To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target of 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs, and at least 30% in other settlements. To support a steady supply of sites and to accelerate housing supply, in order to achieve higher densities in urban built up areas, supported by improved services and public transport.

6.3. Local Planning Policy

- 6.3.1. At the time of writing this report the Dublin City Development Plan 2016 remains in force. A draft 2022 Development Plan is within the public realm. The plan is due to be made at the beginning of November and to come into effect on 14/12/22.

In the current plan the site is within an area zoned Z5, the objective for which is to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.

6.3.2. *Residential*

The relevant policies with respect to housing are QH1, QH3, QH5-8, QH10, QH11, QH13, QH16-19, QH24, QH25.

Of note:

QH6 – to encourage and foster the creation of attractive mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities, which are socially mixed in order to achieve a socially inclusive city.

QH7 – to promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

QH17 – to support the provision of purpose built, managed, high quality private rented accommodation with a long term horizon.

6.3.3. *Retail*

The relevant policies with respect to retailing are RD6, RD12-17, RD22-23.

Moore Street is category 2 street.

Of note:

RD6 – to promote and facilitate the major contribution of retail and other services to the vitality and success of the city, as a significant source of employment, a focus of tourism, as an important recreational activity and as a link with other cultural and recreational activities.

RD13 – to affirm and maintain the status of the city centre retail core as the premier shopping area in the State, affording a variety of shopping, cultural and leisure attractions and having regard to relevant objectives set out in the Retail Core Framework Plan (2007).

RD23 – to facilitate an increase in the amount of retail floor-space to accommodate higher order comparison goods retailing and including, where appropriate, the provision of larger shop units in the city centre retail core.

6.3.4. *Enterprise*

The relevant policies with respect to the city economy and enterprise are CEE1-EE5, CEE12, CEE15-16, CEE18, CEE22

Of note:

CEE12 - (i) to promote and facilitate tourism as one of the key economic pillars of the city's economy and a major generator of employment and to support the provision of necessary significant increase in facilities such as hotels, aparthotels, tourist hostels, cafes and restaurants, visitor attractions, including those for children.

CEE18 - (vi) To recognise the unique importance of Moore Street Market to the history and culture of the city and to ensure its protection, renewal and enhancement, in co-operation with the traders as advocated by the Moore Street Advisory Committee Recommendation relating thereto.

6.3.5. *Cityscape*

The relevant policies with respect to Shape and Structure of the City are SC7, SC16, SC20, SC21, SC25.

Of note:

SC7 – to protect important views and view corridors into, out of and within the city, and to protect existing city landmarks and their prominence.

6.3.6. *Conservation*

The relevant policies with respect to conservation are CHC1, CHC4, CHC5, CHC9, CHC11, CHC15, CHC17, CHC20, CHC37.

Of note:

The site is adjacent to but not within the O'Connell Street and Environs ACA.

CHC1 – to seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.

CHC4 – to protect the special interest and character of all Dublin’s conservation areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Enhancement opportunities may include:

1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.
2. Reinstatement of missing architectural detail or other important features.
3. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.
4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.

Development will not:

1. Harm buildings, spaces, original street patterns or other features which contribute positively to the special interest of the Conservation Area,
2. Involve the loss of traditional, historic or important building forms, features and detailing including roofscapes, shopfronts, windows and other decorative detail,
3. Introduce design details and materials such as uPVC, aluminium and inappropriately designed or dimensioned windows and doors,
4. Harm the setting of a Conservation Area,
5. Constitute a visually obtrusive or dominant form.

New developments should respect the established scale of the existing built fabric – including height, massing, proportions and plot width.

CHC5 – to protect Protected Structures and preserve the character and setting of ACAs.

CHC17 – to co-operate with and facilitate the state in its presentation of the National Monument at 14-17 Moore Street on a joint venture basis.

CHC20 – to support the retention and refurbishment of the cultural quarter associated with 1916 on Moore Street.

The following objective is noted:

CHC030 - To develop a 1916 Historic Quarter, including Moore Street, with its National Monument and historic terrace, an appropriately developed street market, the GPO and Parnell Square, creating an integrated historic, literary and commercial focus for the north city centre and providing potential for tourism and to prepare a Development Brief for the Moore Street Area which addresses the above.

6.3.7. *Development Standards: Design, Layout, Mix of Uses and Sustainable Design*

Section 16.10.17 Retention and Re-Use of Older Buildings of Significance which are not Protected

The re-use of older buildings of significance is a central element in the conservation of the built heritage of the city and important to the achievement of sustainability. In assessing applications to demolish older buildings which are not protected, the planning authority will actively seek the retention and re-use of buildings/ structures of historic, architectural, cultural, artistic and/or local interest or buildings which make a positive contribution to the character and identity of streetscapes and the sustainable development of the city. Where the planning authority accepts the principle of demolition a detailed written and photographic inventory of the building shall be required for record purposes.

6.4. **Natural Heritage Designations**

None in the vicinity.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

7.1.1. **Ray Bateson**

The submission can be summarised as follows:

- The proposal contravenes the City Development Plan in respect of built heritage, culture, city economy and enterprise.

- A very important historic and cultural site is being almost obliterated for the sake of a development.
- It does not secure, protect or sensitively preserve 1916 elements on the site.
- It will alter and interfere with lines of historic streets and laneways.
- It seeks the demolition of No. 18 Moore Street and other 1916 buildings and structures which have yet to be independently assessed or surveyed.
- It appropriates and invades the curtilage of the National Monument.
- It runs contrary to the objectives of the Ceathrú Chultúir Bill and The Moore Street Renewal and Development Bill.
- The proposal is contrary to the Venice and Granada Charters.
- The site is so historic and important that even if the whole terrace had been demolished then it should be restored to 1916 state. Examples given where buildings were rebuilt after they were destroyed.
- A proper battlefield site would attract millions of tourists and those interested in history, heritage and culture.
- Permission should require the terrace to be restored, Moore Lane and Henry Place to be retained with existing height levels on both sides and restoration of the laneways and other buildings associated with The Rising. Any new buildings should not detract from the battlefield site.
- The proposal will replace existing footfall elsewhere and transfer money from one part of the city to another.
- The three applications should be assessed as one.

7.1.2. **Moore Street Traders Committee** (submission by William Doran accompanied by supporting detail on its behalf).

The submission can be summarised as follows:

Permission Duration

- Moore Street traders will not be able to trade during construction. They will have to leave for up to 15 years.

- The Board is requested to uphold condition 3 and limit the duration of the permission to 5 years.

Construction

- The store and street traders of Moore Street have enjoyed a mutually beneficial trading relationship which will be lost if the traders are lost during construction works.
- Condition 11 requesting the developer to protect the Moore Street Casual Trading Area is unenforceable. It is inappropriate for the planning authority to attach a planning condition in relation to 3rd parties trading on land outside the curtilage of the site.
- It is possible for the development to be constructed without impact on the established and normal street trade on Moore Street. It requires the Board to craft condition(s) to ensure same.
- Noise during construction will deter shoppers from stopping at the stalls.
- Condition 26 addressing noise during construction is unhelpful and useless in practical enforcement terms. The Board attached a condition on file ref. ABP 303566-19 which had a real, enforceable and positive impact. Such a condition is recommended in this instance.

Alternative Access

- The proposed access would cause serious disruption to the city.
- The developer has a large site fronting onto O'Connell Street which would facilitate access and egress to the site (diagram showing potential construction route provided in support).
- Lands in the applicant's and city council's ownership could allow for construction traffic egress from Moore Lane.

7.1.3. Moore Street Preservation Trust

The submission, which is accompanied by supporting details, can be summarised as follows:

Cultural and Built Heritage

- The Board is requested to consider the opinion of the former Director of the National Museum. The application should be refused on the basis of the negative effect on a National Monument.
- There is a lack of any 'Battlefield Site' approach to the application and overall masterplan.
- The double height freeform arched gateway is particularly disturbing to the integrity of the historic streetscape and will interfere, alter and partly destroy the National Monument and its curtilage. It will also require the demolition of No. 18 Moore Street, a 19th century building part owned by the State. No letter of consent from Minister for works in proximity to the National Monument accompanies the application
- The site, which is 1 of 6, will have a detrimental impact on the area including the laneways due to the overall scale of the proposal relative to the low scale Moore Street terrace. The importance of the laneways and non-protected buildings within the ACA boundaries cannot be undermined. The development, inclusive of the large scale demolition of buildings, would have a negative impact on what should be an historical and cultural quarter commemorating the events of 1916.
- The Moore Street terrace will be overwhelmed by the scale of the proposed development.
- The demolition of buildings is contrary to the ACA statement. It would result in a substantial and regrettable loss of architectural and historic building fabric, a significant loss in terms of legibility and understanding of the historic urban grain and would have a subsequent significant impact on the special and unique architectural character of the area.

- The conditions attached to the grant of permission seeking further details is inappropriate where it entails works close to the National Monument and protected structures.
- There is a failure to recognise the survival and incorporation of the original 1760s building plots and their boundary/party walls, particularly in the lands to the rear of the Moore Street Houses.
- Nos.10-25 Moore Street should be included in the Record of Protected Structures.
- The proposal suggests a significant lack of awareness or understanding of the relevant ICOMOS Conservation Charters. There is no evidence of any great understanding of the principles of 'Place', 'Cultural Significance' or 'Cultural Heritage'.
- The site is within a zone of high archaeological potential. There was little assessment of the implications of the proposal. An inordinate amount of questions remain unanswered as evidenced by the condition addressing archaeology.
- The Council should require that its own archaeology, conservation and heritage departments take the main role concerning any on-site building works at the developer's expense.
- There is an absence of any justification that would support a material contravention of development plan policies CHC1, CHC2, CHC4, CHC5, CHC29, CHC37 and CHC43.

Alternatives

- In 2021 the appellant produced a conservation plan for the Moore Street area including an architectural model. It meets all the recommendations of the Advisory Group to the Minister, the Development Plan objectives, the aims of the Moore Street Renewal Bill and European and International guidelines and charters.
- Any decision would run the risk of undermining the democratic process of the Ceathrú Chultúir Bill in the Dáil at committee stage. The proposal is contrary

to the aim and objectives of the said bill and The Moore Street Renewal and Development Bill.

Procedural and Other Issues

- The piecemeal approach to the development of the overall site is inappropriate. The public plaza is split across two application sites.
- The lodgement of several applications is unfair and interferes with citizens' rights.
- The revised public notices do not make reference to the model submitted. Notices lack detail on extent of demolition works.
- The model includes development permitted at Jervis Street not yet constructed. Its inclusion distorts the context.
- The grant of permission ensures that the scheme is overwhelmingly reliant on the completion of the design through planning conditions and excludes public participation.
- Adverse impact on Moore Street market and independent businesses on Moore Street. Condition 11 passes the problem to the developer and is inappropriate.
- Impacts of extended construction period on traders are understated.
- It would completely change the street market character of Moore Street.
- Up to date traffic surveys should be undertaken.
- The residential component does not meet the requirements of the area.
- Issues of daylight and sunlight need to be addressed.
- Application makes little contribution to the concept of day to night area.
- Narrowing of footpaths contrary to development plan provisions.
- No letter of consent from City Council permitting interference with and development of streets, lane and footpaths in public ownership.
- Issues arising in terms of the planning authority's online system.

7.1.4. Dublin One Business Alliance (submission by DMOD Architects on its behalf)

- Adverse impact of site contingencies and construction activities on existing Moore Street businesses.
- Adverse impact of the construction access.
- Adverse impact of the scale and duration of the construction phase on the trading environment which would likely result in the failure of their businesses.
- The applicant failed to engage with or address the legitimate concerns of the independent store traders.
- Condition 26 which deals with noise and air pollution is generic and difficult to enforce.
- There are technical flaws in the application which undermine the legitimacy of the decision. The planning authority failed to ensure the proper planning and sustainable development by allowing the *Dublin Central Development* site to be subject to a series of separate applications, some of which have not been submitted. These applications are interdependent in terms of construction traffic and waste management.
- Condition 21 and condition 10 attached to 2861/21 cannot be satisfied as they depend on the outcome of a separate application under ref. 2863/21 which has yet to be determined.
- Condition 11 does not reference or given consideration to the independent store owners on Moore Street.

7.1.5. Sinn Fein Group on Dublin City Council

The submission can be summarised as follows:

Cultural and Built Heritage

- The proposal would demolish much of the existing pre-1916 built fabric and would fundamentally alter the layout of the streets and lanes.
- The scale of the development would overwhelm Moore Street fundamentally changing its character.

- It does not properly take into account the need to protect the National Monument and the need to protect the historic buildings and streetscape that surround it.
- It is essential to retain the integrity of the terrace. The National Monument has no meaning outside the context of that terrace.
- There is no good planning reason for breaking the terrace. It is being broken for commercial retail reasons. There is no issue with permeability on the site which is well served with existing lanes.
- A new access route to Moore Lane from O'Connell Street does not require the continuation of that route through the middle of the terrace.
- The arch would be totally out of character with the terrace both architecturally and historically.
- The Council voted to add the terrace to the Record of Protected Structures.
- The current proposal does not meet the City Council vision for this area as a historic cultural quarter.

Impact on Adjoining Property/Businesses

- The Moore Street market and independent businesses will be adversely impacted by the construction phase. The condition requesting the developer to protect the casual trading area during the construction phase is inappropriate.

Procedural and Other Issues

- The division of the site into 6 separate applications makes it difficult to envisage the overall development and the impact on the wider city centre. No clear overall masterplan has been presented.
- There was no public notification of the 3D model display.
- The extent of conditions precludes 3rd party comment including the proposed archway.
- The City Council's involvement in a compensation scheme is inappropriate.

- There were delays with the planning authority's online system which impacted on citizens' rights

7.1.6. **Mary Lou McDonald TD**

The submission can be summarised as follows:

Cultural and Built Heritage

- There is no recognition of the National Monument within the context of the terrace of houses that were held and occupied by volunteers in 1916 or of the historical importance of the area.
- There is no reference to the requirement for Ministerial Consent for work in proximity to the National Monument.
- The permission ignores the City Council policy in relation to the preservation of Moore Street in its entirety, the recommendations of the City Council Moore Street Advisory Committee and The Lord Mayors Forum and successive motions of elected City Council members including that Moore Street become an ACA and that the terrace be added to the list of protected structures.
- There are no references or reports on the buildings that are currently in the process of being added to the list of protected structures.
- It ignores the findings of the Shaffrey/Myles Battlefield Report that identifies surviving pre-1916 built fabric visible from the public realm.
- The condition attached that the developer engage its own archaeology and conservation consultant is unacceptable.
- The eradication of the historic grain of the area's laneways and streets is contrary to the principle of reurbanism.
- The permission ignores the objectives of the Dublin City Development Plan and International Guidelines and Charters on the protection of Heritage and History and fails to address or accept the findings of the High Court and Court of Appeal that buildings or structures, the preservation of which are of National Importance, are deemed National Monuments.

- It ignores An Bille Um Ceathrú Chultúir 1916 currently under consideration by the Oireachtas and The Moore Street Renewal and Development Bill placed before the Seanad.
- The Board should consider the Moore Street Preservation Trust's alternative masterplan.

Development Plan Provisions

- The proposal is contrary to the development plan objectives and Z5 zoning seeking to create a city that will facilitate socially inclusive neighbourhoods in a coherent, sustainable manner for the benefit of the city and to consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design character and dignity.

Access and Traffic

- Seeking a traffic management plan by way of condition offers no protections to independent businesses and market traders and precludes 3rd party comment. They have suffered years of disrupted trade arising from Luas works.
- The works will impact significantly on hospitals in the vicinity.

Impact on Businesses and Adjoining Property and Mix of Uses

- The development will be the death knell for the Moore Street market. The condition requiring the developer to support and liaise with market traders is nonsensical.
- No provision is made for affordable homes.

Procedural Issues

- The piecemeal planning application approach is inappropriate. The public plaza is split across 2 applications. 6 applications, in effect, prohibits citizens from exercising their statutory right to engage due to the monetary cost that would be involved. This approach could be deemed vexatious.
- The further information request has not been addressed.
- No reference was made to the architectural model on public display. The model was required by further information.

7.1.7. Colm O'Murchu

The submission can be summarised as follows

Alternatives

- There are better alternatives for the area such as the Ceathrú Chultúir 1916 Bill.
- The area could be developed as a cultural quarter. The buildings could be restored and regenerated whilst the implementation of the metro would accommodate visitors to the area. This would support the success of the cultural quarter in the same way private investment flooded into the Titanic Quarter in Belfast.

Impact on Businesses and Mix of Uses

- Moore Street is run down by design as a result of bad management.
- The proposal would be contrary to zoning objective Z5 by reducing the cultural space in the city centre, impacts on its night time culture and facilitating an over concentration of hotel and retail uses.
- Moore Street needs more mixed usage in its current retail and street market.
- The city centre does not need more office or retail space.
- The proposal is contrary to the City Council's plan to revitalise the market.
- The plan does not strengthen, reinforce or integrate with the existing street market or independent businesses.
- Impact of construction noise and air pollution on residents and businesses is understated. It is likely that the market and businesses will be lost through the lengthy construction phases. The impact on the market and independent businesses has not been resolved.
- Adverse impacts on independent businesses and market traders should be addressed by conditions.
- The construction period will cause serious traffic congestion. It will impact on access to sites in the vicinity including hospitals. A condition seeking a traffic management plan by way of condition precludes 3rd party comment.

- No affordable housing is provided.

Cultural and Built Heritage

- The extent of demolition completely contradicts the applicant's rationale of sensitive development.
- The Heritage Impact Assessment Statement fails to adequately assess or record the surviving historic fabric along Moore Street or take into account the curtilage of the designated National Monument. It also contradicts the previous development's assessment which said No.18 contained pre 1916 elements.
- The developer should not be allowed to state whether a building is worthy of protection or not. All Moore Street terrace buildings should be independently assessed to establish if they contain pre-1916 elements. The demolition will impact on built heritage around the storey of 1916, whether the buildings are pre-1916 or not.
- The fabric of the laneways will be irrevocably altered. The proposal will result in the loss of the value and status of the most important street in the state.
- The demolition of Nos. 18/19 to make way for the archway would erase the character of the terrace and visually impact on the historic nature of the area.
- The proposal will adversely impact the National Monument and the protected structures in the area.
- Market traders and independent businesses have established themselves as an integral part of the cultural infrastructure.
- It would seriously detract from the setting and character of the O'Connell Street ACA contrary to development plan policy.
- Threat posed to the protected structures from the construction process.
- Restoration works should be carried out on each unit on a one-by-one basis to avoid disrupting the existing market and businesses.

Design

- The design is not of a sufficiently high quality to justify the adverse impacts on the entire north inner city and is completely out of context with the area.
- It would detract from the special character and distinctiveness of the conservation area and will constitute a visually obtrusive and dominant form around Moore Street and O'Connell Street.
- Inadequate drawings and images of interfaces with protected structures, impact on immediate context and skyline.

Other Issues

- Clarity is required on the access and egress into Moore Street/Lane and the safety issues for pedestrians.
- Rodent displacement arising from construction.

7.1.8. **The Save 16 Moore Street Committee** (accompanied by supporting detail)

The submission can be summarised as follows:

Procedural Issues

- Ministerial consent required for works in proximity to the national monument at 14-17 Moore Street.
- The Council Motion that was passed to add Nos. 1-12 Moore Street to the list of protected structures is not referenced in the public notices.
- Consent required from City Council as owner of the streets and laneways.
- Online procedures to lodge an objection with the planning authority is not fit for purpose.

Cultural and Built Heritage

- It does not secure, protect or secure all 1916 elements on site.
- It will alter and interfere with lines of historic streets and laneways directly linked to The Rising.
- The Myles/Shaffrey Battlefield Report that identified 1916 elements visible from the public realm has been ignored.

- Without an assessment of the proposed protected structures by appropriately qualified persons an informed decision cannot be made.
- The proposal does not adequately recognise Moore Street as an architectural conservation area.
- It does not recognise the importance of below ground archaeology.

National Monument

- The cellars to the rear of 14 – 17 Moore Street extend outside the protection zone of the national monument and are afforded no protection in the application. As a continuation they are entitled to the same protection.
- The application includes the appropriation and invasion of the curtilage of the national monument and protected structures. It is out of context, contrary to Venice Charter principles and international guidelines on the protection of history and heritage.
- The archway will interfere, alter and partly destroy the National Monument and its curtilage.
- It failed to address the disturbance of ground and the impact of construction traffic in proximity to the national monument.
- The proposal fails to have regard to the Ceathrú Chultúir Bill, The Moore Street Renewal and Development Bill, the recommendations of HQ16 The Citizens Plan for Dublin, Part 1 and Lord Mayor Forum Report or the Kelly Report 2016. It does not comply with the agreed recommendations of The Moore Street Advisory Group or the Department of Housing, Local Government and Heritage's report on the application. It does not meet the recommendations of The Green Party's Vision for Moore Street.

Development Plan

- The application does not comply with Z5 zoning provisions or policies CEE 18(vi), CHC 20 or CHCO 31.

7.1.9. **Troy Family Butchers Ltd.**

The submission, which is accompanied by supporting detail, can be summarised as follows:

Alternatives

- There are viable alternatives to the redevelopment of the area including the Ceathrú Chultúir 1916 Bill.
- Culture as an economic development creator has been highlighted in government economic plans.
- The site development has the potential to be a leading attractor in the tourism industry and significant contributor to the economy. It can be the catalyst for establishing a new vibrant part of Dublin, allowing for the expansion of the city centre's overall visitor appeal.
- The area as a living museum and plans drawn up by The Preservation Trust detailed.
- The area could become an alternative food market.

Impact on Businesses and Adjoining Property

- The fact that the street is in a state of neglect is a consequence of bad planning and management by those with responsibility for the street.
- The market and the proposed development are not compatible.
- The market will be forced to close. The idea that they can trade during the construction phases is not realistic. The construction phase will result in loss of business and jobs.
- Condition 11 does not make reference to business traders on Moore Street.
- The aim post construction is to attract footfall to the new retail square behind the Moore Street Terrace away from existing businesses, which contradicts the view that all businesses will benefit in the long term. The concerns of how it will impact on the traders have not been addressed.

- The creation of a new shopping location will reduce footfall in other locations and retail outlets will suffer. The area is oversubscribed with shopping centres.
- The building of the Metrolink cannot be an argument for the 6 million inflated projected footfall. It is queried what attraction will attract this footfall.
- Widescale demolition of historic terrace buildings does not have to occur for the retail aspect to be improved. The applicant needs to improve its rental policies, the City Council needs to ensure the required standards are implemented and the Department of Heritage needs to address the dereliction of the National Monument.
- Restoration works should be carried out on each unit on a one by one basis to avoid disruption to the existing market and businesses.

Access and Traffic

- The application is not accompanied by an up to date traffic management plan and is reliant on surveys carried out a decade ago by the Luas cross city project. The Luas has resulted in many traffic flow changes that has resulted in major traffic congestion around the city. The proposed arrangements will result in further congestion. A new traffic management plan is required.
- Traffic congestion will arise and will impact on access in the vicinity including the Rotunda hospital.
- The only access to site 5 which is proposed to be the builder's yard for the development is via Moore Street onto O'Rahilly Parade which would result in Moore Street being constantly blocked by heavy construction vehicles with resultant noise and air pollution. It would turn the existing shopping district into a construction site for an inordinate amount of time. O'Rahilly Parade is used by pedestrians to access Moore Street from Parnell Street, Moore Lane and Henry Place. Construction traffic would create an unsafe pedestrian environment.
- How construction traffic will be managed has not been considered correctly. The proposal does not have a realistic option for the parking/stacking of

construction vehicles. Use of site 5 as a holding bay will not be sufficient and will not resolve or mitigate the construction traffic congestion.

- There are significantly higher volumes of delivery traffic to existing units than the delivery report suggests.
- The designation of O’Rahilly Parade as a service entrance will be extremely disruptive, will undermine footfall and cause traffic chaos.
- O’Rahilly Parade and Moore Lane are constantly used by delivery vehicles.
- The developer has failed to explain how delivery access to Moore Lane service yard, Cole’s Lane service yard and Henry Place will be maintained.
- The developer has not explained how Moore Street traders will safely access and egress to and from their storage unit located in the Ilac Centre service yard on Moore Street North.
- The applicant has not addressed how traffic from the underground car park of Greeg Court apartment block, which is only accessible via Moore Street, will be accommodated.
- The proposal to make the delivery route of Moore Street/O’Rahilly Parade/Cole’s Lane and Henry Place a pedestrian zone after 11am would be disastrous for businesses who have always received deliveries along same outside of those hours.
- The loss of the car park on Moore Lane will have a significant adverse impact on traders in the area.
- Conditions addressing traffic and submission of a traffic management plan precludes 3rd party comment.

Cultural and Built Heritage

- The proposal will destroy the heritage of the area. It will lose the value as the most important street in the state.
- The revitalisation of an intact Battlefield Site would, by itself, be the memorial which could become a location for walking tours, interactive signage or participatory tourist experience.

- The proposal entails demolition of buildings which are currently being added to the list of protected structures.
- Consideration should be had to the curtilage of the National Monument. Consent would be required from the Minister to carry out works in the curtilage.
- A full multidisciplinary conservation master plan survey of the whole Battlefield Site should be carried out.
- Moore Street Terrace has many pre 1916 elements. Many reports confirm same. It is queried why no state-based survey of the site was conducted. This is required.
- The proposed development would undermine the Museum proposed for 14-17 Moore Street.

Development Plan Provisions

- The proposal contravenes policies and objectives of the development plan relating to heritage, retail, streetscape, tourism, building height and built environment.
- The proposal would be contrary to the Z5 zoning by reducing the culture space within the city, impacting on its night time culture and facilitating the over concentration of hotel and retail developments. The city centre does not need further office space or retail.

Procedural and Other Issues

- It is noted that the securing of funding to carry out the development was used as the rationale for the 15 year permission duration.
- The proposal to seek 6 separate permissions for the overall site is queried.
- Metrolink has not been confirmed.
- Conditions are reliant on the developer adhering to them without any full-time independent conservation architect being appointed to monitor the works.

7.1.10. 1st Party against condition 3 (duration of permission limited to 5 years)

Submission by Stephen Little & Associates on behalf of the applicant refers and can be summarised as follows:

- The planning authority did not give any weight to the complex inter-relationship of the construction management between sites 3, 4 & 5 to deliver such a large city centre regeneration project.
- The Masterplan needs to be delivered in stages to suit the constraints of the site. The 5 major constraints that have dictated this strategy are:
 - Restricted access arising from the surrounding road network and the narrow, existing lanes within the overall site.
 - Restricted access arising from two major pedestrianised streets flanking the overall site.
 - Protected structures and non-protected structures proposed to be retained.
 - Neighbours including residents and local businesses.
 - The scale and nature of construction works to be undertaken.
- The Board is referred to the Construction Stage Sequencing set out in the Masterplan Outline Construction and Demolition Management Plan accompanying the application. It highlights the interdependencies between each of the project phases and illustrates why a multi-phase project of this nature requires additional time to complete. It illustrates the construction stage sequencing from site 3 moving north. Henry Place which runs between sites 3 and 4 will need to be closed and this area will become a servicing point for both sites 3 and 4. Should there be any delay in the Metrolink enabling works Henry Place must continue to remain a servicing area until such time that construction works move further north through the masterplan.
- The Board is referred to the Supplemental Programme Statement which sets out additional modelling of predicted timelines which supports the 7 year permission duration. It should be read in conjunction with the Programme

Report in Appendix A of the Masterplan Outline Construction Management and Demolition Plan.

- The Metrolink enabling works are anticipated to run in parallel to the construction programme of sites 3 and 4. Any delays to the enabling works would have a knock-on impact on the delivery of site 4. Whilst the enabling works will be delivered by the developer, many of the risk factors that could impact its delivery are out of the control of the developer i.e. delay in getting an enforceable Railway Order.
- There are a number of protected structures which will need to be carefully managed. Ministerial Consent will be required for any works being carried out in proximity to the National Monument.
- Although site 4 is a standalone project the overlap of the predicted construction timelines of Site 2 and Site 3 are significant.
- Section 42 of the Planning and Development Act 2000 as amended by S.I. No 456 of 2021 came into effect on 09/09/21. The amendment means that extension of duration of permission on commercial, economic or technical grounds have been removed. An extension of duration of permission is only available where substantial works are carried out. As per Section 42(8) of the Act there is now no mechanism for extension of duration of permission should an EIA or AA be required.
- Given the nature and scale of site 4 within the overall context of the masterplan screening out the need for EIA where substantial works may be completed, while not insurmountable, is by no means certain. This presents an intolerable risk for the applicant given the complexity of the regeneration of a significant city centre site.
- Where the entirety of site 4 is not completed within the 5 year period there is a risk that its completion would require permission to retain and complete the work. Retention permission cannot be sought for development requiring EIA.
- Alternatively, where it becomes apparent that the permitted development cannot be completed within 5 years and new permission is sought prior to its withering, it is likely to benefit from an additional 5 years rather than 2 years

hereby sought. It would also be necessary to seek such permission at least 2 years before the permission lapses to account for the application and appeal periods and any other unforeseen challenges.

- The 5 year period for the complex development adds significantly to uncertainty, cost and viability risk to the project and thus to its prospects of being realised.

7.2. Applicant Response to 3rd Party Appeals

The response by Stephen Little & Associates on behalf of the applicant in response to the above 3rd Party appeals, can be summarised as follows:

Built Heritage

- It is fully appreciated that the site is historically sensitive. The proposal strikes a reasonable and appropriate balance between the need to respond positively to the architectural built and cultural heritage, whilst also delivering implementable urban renewal.
- Extensive structural survey and construction methodology work has been carried out to ensure that the extent of existing buildings and basements to be retained and demolished is understood.
- The proposed development, having regard to expert conservation advice, makes reasonable provision for the appropriate and practicable integration of historic building fabric and street pattern, in accordance with the governmental guidance and statute in relation to conservation.
- There are no protected structures within the site. The Draft Dublin City Development Plan 2022 does not include any new additions to the RPS within site 4.
- A comprehensive assessment of the impact of the proposal on O'Connell Street ACA was submitted with the application. The application was accompanied by a Landscape and Visual Impact Assessment. The proposal is fully justified.
- The extent of the National Monument is as set out under PO No. 1/2007. The High Court ruling that the extent of the National Monument encompassed the

battlefield beyond 14-17 Moore Street was set aside by the Supreme Court's decision. The said decision stated it was not within the jurisdiction of the courts to designate a national monument.

- Ministerial Consent is a separate process and will be entered into prior to any works to or adjacent to the National Monument. No works are proposed to the monument with the exception of a 3 storey extension to No.17 which will be located within No. 18A. The extension will facilitate the construction of the archway. Demolition works are proposed to the building adjacent and up to the boundary of the National Monument.
- Consideration has been given to the protection of the National Monument. Details of protection measures are set out in the Site 4 Outline Construction and Demolition Management Plan and has been assessed and considered in the EIAR.
- Prior to demolition of any existing buildings an external survey control system is to be established around the site, including all protected structures, retained buildings, retained facades and the National Monument.
- The cellars referred to in the appeals are part of Nos. 6-7 Moore Lane. This building is being retained with no risk to the National Monument

Archaeology

- The application is accompanied by an Archaeological Impact Assessment with Chapter 15 of the EIAR addressing Cultural Heritage.
- The Department of Housing, Local Government and Heritage in its submission on the application was satisfied with the approach to archaeology and recommended a condition to be attached.
- Given that site 4 is already developed it is not possible to carry out subsurface archaeological testing prior to the opening up or demolition of the existing buildings.

Design, Scale and Layout

- The Board is referred to the ACME Architectural Design Statement accompanying the application which provides a clear illustration and

description of the design context and evolution of Site 4. It covers the topics of building form, height and massing, architectural expression and materiality amongst other detailed design matters. The Architectural Design Statement submitted by way of further information sets out a comprehensive design response to the concerns raised by the planning authority in respect of design considerations including the relocation of the ESB substation from Henry Place, adjustment of the building line of the new building at No. 10 Moore Lane, retention of the party walls of No. 15 Henry Place and 5A Moore Lane and redesign of the gables of Nos. 11, 12 and 13 Moore Street.

- The application is accompanied by a Landscape Planning report.
- The proposal respectfully responds to the site characteristics and context and will make a significant positive contribution to the rejuvenation of this area of Moore Street/Moore Lane/Henry Place.
- Condition 4 seeking the revisions to the archway design and delineation of the public plaza with Moore Lane is reasonably common where the principle of the proposal is accepted but where specific design resolution remains. It meets the criteria for a condition.
- Ministerial Consent will be required for the extension to the National Monument (No.18A). As the archway is integrated with No.18A , its scale, design and aesthetic may yet be subject to change through this separate process.
- Condition 17 requires the applicant to consider minor design changes to the elements of the buildings of significance which are to be retained. Any additional changes would not result in fundamental redesign of the proposal development.
- The contention that the site would be materially altered by the redesign through conditions is not accepted.

Proposed Uses

- The mix of uses are in accordance with the Z5 land use zoning. They are appropriate for the creation of a vibrant and active city centre streetscape.

- The net additional retail/commercial floor space at c. 2,216 sq.m. is not significantly higher than the existing retail/commercial uses at c.1,952 sq.m.
- A Part V proposal that accompanied the application has been accepted by the planning authority.

Construction/Traffic Management

- The Board is referred to the Outline Construction and Demolition Management Plan which accompanies the application.
- On appointment of a contractor the plan will be updated and agreed with the planning authority.
- It is acknowledged that the site, given it is a restricted city centre site, will result in some nuisance during construction.
- The mitigation measures set out in the EIAR shall be implemented. Chapter 11 Noise and Vibration sets out detailed mitigation measures.
- The applicant has met with Moore Street traders both directly and via the Government appointed Moore Street Advisory Group (MSAG). The MSAG proposed a process be established to address trading issues arising during the construction phase. The applicant is committed to participating in that process under the leadership of Dublin City Council as owner and licensor of the street market.
- The Preliminary Construction Traffic Management Plan provides a guide as to how construction traffic will be managed as part of the construction works.
- It is normal practice that the Construction Traffic Management Plan is a live document which is updated throughout the construction period to take account of any changes to the surrounding road network and/or other factors that might influence construction traffic.

Construction Access

- Two construction routes to the site have been identified, both via Parnell Street. The 1st would be via Summerhill and the 2nd is via Dorset Street and Dominick Street Lower. At pre planning stage the planning authority noted that construction access via O'Connell Street would be very challenging, in

particular due to disruption to public transport facilities and, thus, would not favoured.

- Traffic and other movements on the road network during the construction phase will be managed by carrying out the works in a number of stages to a sequence to be prepared in conjunction with the City Council and implemented by the main Contractor.
- Two alternative access scenarios via Parnell Street were developed in detail based on clockwise and anti-clockwise circulation around the block bounded by Moore Street, O'Rahilly Parade and Moore Lane. Inbound access from the majority of construction vehicles is proposed from Parnell Street to Moore Street/O'Rahilly Parade and outbound departures from Moore Lane to Parnell Street. The preferred option was selected on the basis of a number of local constraints including:
 - The lack of a stacking lane on Parnell Street in advance of the left turn into Moore Lane should there be a delay entering Moore Lane,
 - The restricted width of the left turn from Parnell Street around Conway's public house into Moore Lane which could cause delays due to the slow deliberate turning for vehicles across a busy restricted area,
 - The relatively easy right and left turn from Parnell Street to Moore Street,
 - The availability of a stacking area for the right and left turns from Parnell Street into Moore Street,
 - Local traffic management on Moore Lane would require the presence of temporary traffic signals and/or flagmen at different locations and at different times to facilitate vehicles passing depending on the movements in progress.
- Arrivals are proposed from Parnell Street via Moore Street and O'Rahilly Parade. Some limited departures are proposed to O'Connell Street Upper via Henry Street up to 11h00 after which it becomes restricted to pedestrians only. The remaining departures are proposed to Parnell Street via Moore Lane.

- The implementation of the individual Outline Construction and Demolition Management Plan is not dependent on the commencement of works on the other sites.

Conditions

- The majority of the conditions attached to the permission are standard.
- The implementation of the mitigation measures set out in the EIAR will ensure best practice measures are implemented. Various technical criteria and limitations are set out in these mitigation measures.

Impact on Market Traders

- The applicant has met the Moore Street traders on numerous occasions prior to the making of the application both directly and via Government appointed Moore Street Advisory Group (MSAG). The MSAG proposed a process be established to address trading issues arising during the construction phase.
- As per condition 11 the applicant is committed to participating in the process under the leadership of the City Council as the owners and licensor of the street market.

Procedural Issues

- The contention that the overall proposals are unclear is not accepted.
- The reasoning for lodging separate applications was set out in the planning application report accompanying the application. The key factors are phasing and construction constraints, viability and issues around metro enabling works. Being able to progress the development in individual stages within the masterplan area means that the risk of delay on one site can be absorbed and progress can be made on other elements that can proceed independently.
- The EIAR and AA Screening consider the individual and cumulative/in combination effects of the project.
- There is no requirement in the Planning and Development Regulations 2001, as amended, to reference the model submitted by way of further information in the public notices.

- Many 3rd parties made further submissions on foot of the revised public notices and had reviewed the material on file which clearly referenced the fact that a model was submitted.

Alternatives

- The applicant has made a planning application on lands in its ownership and it is this development the Board is being asked to assess. Alternative proposals/projects by 3rd parties have no bearing on the assessment.

7.3. Planning Authority Response

None received.

7.4. Observations

Submissions have been received from:

1. Cllr Donna Cooney
2. Aengus Ó Snodaigh TD
3. Cllr John Lyons
4. Relatives of the Signatories of The 1916 Proclamation
5. Clare Daly
6. Harry Coyle & Proinsias O'Ratháille
7. Moore Street Preservation Society
8. Brian McGrath
9. Gerry Adams
10. Shane Stokes
11. Cllr Daithi Dolan
12. The Lord Mayor Forum
13. The 1916 GPO Garrison Relatives

The submissions can be summarised as follows:

Cultural and Built Heritage

- In June 2021 the City Councillors passed a motion to list Nos.10 – 25 Moore Street as protected structures. It is difficult to understand how a decision to grant permission was made before this process has been concluded.
- All remaining 1916 heritage should be retained and protected. The demolition proposed is unacceptable. The buildings are in the process of being added to the list of protected structures.
- The logic is that the whole terrace and their associated yards and the paths and lanes abutting it form a contiguous site and therefore an injury to one portion of it, is an injury to the whole.
- The proposal does not take account of the historical importance of the buildings and area. The entire terrace represents not just the history of 1916 but also the cultural history of Dublin before and after, including the long tradition of trading in the area. The importance of the laneways and non-protected buildings within the ACA boundaries cannot be undermined. The original footprint and integrity of the urban form should be maintained and restored. The integrity of the historical lanes should be protected.
- The manner in which commemoration has been conceptually addressed is problematic in terms of both materiality and the underlying approach.
- The loss of historic fabric of Moore Street is significant. The demolition of buildings is contrary to the statement for the ACA.
- There is little in the way of a comprehensive and correct interpretation and assessment of the buildings on a building by building basis nor is there any assessment of the historic morphology of the subject lands. In particular, there is no appraisal of the structures and plots under the relevant 'Categories of Special Interest' (Architectural, Historical, Archaeological, Artistic, Cultural, Scientific, Technical or Social) which is of relevance considering the overall setting of the street and its special interest.

- There is no coherent methodological approach in the form of a Heritage Impact Appraisal detailing the impact of the proposed development upon the heritage environment. As a consequence the important process of mitigation of adverse impact of the development has not been addressed.
- Every element within the area requires independent assessment to establish the extent of pre-1916 elements. No 18 is pre-1916.
- A full study of the historic street surfaces should be undertaken.
- The archway does not respect the integrity of the National Monument.
- Provision of an extension at the side of No. 17 Moore Street requires works to the National Monument. The proposal will have an adverse impact on the proposed Museum.
- Original cellar vaults that extend outside the protection zone of Nos 14-17 Moore Street and that form part of the National Monument are set to be demolished.
- The original basements along the terrace relating to the Georgian period are still in existence including those at Nos. 18 and 19 are also set to be demolished. They have yet to be surveyed and assessed.
- Failure to recognise the survival of and to incorporate the original 1760s building plots and their boundary/party walls, particularly the lands to the rear of the Moore Street houses.
- Proposed replacement buildings should retain any internal, external or basement 1916 elements.
- The proposal suggests a significant lack of awareness or understanding of the ICOMOS Venice Charter, Washington Charter, Burra Charter and Australia Charter. There is no understanding evident of the principles of 'place', 'cultural significance' or 'cultural heritage'
- There is no good planning reason for breaking up the terrace, the only purpose is supposedly to increase footfall from the O'Connell Street side of the overall site directly across to the Ilac Centre which the applicant owns. The most historic terrace is to be broken for purely commercial retail reasons.

- There is no issue of permeability on the site which is well served with existing lanes. A new access route to Moore Lane from O'Connell Street does not require the continuation of that route through the middle of the terrace.
- The redesign of the proposed arch by way of condition excluding 3rd party participation is unsatisfactory.
- The proposed archway could be boarded up for up to 15 years or more as the timeline puts the completion of the public plaza in the final phase.
- A full archaeological assessment has not been carried out by the City Council.

Alternatives

- Support the implementation of the recommendations of the Securing History Report of the Moore Street Advisory Group to Minister O'Brien.
- The proposal does not meet the recommendations of the City Council Moore Street Advisory Committee nor the aims and objectives of The Lord Mayor Forum Report.
- An Ceathrú Chultúir Bille 2021
- The Moore Street Preservation Trust Plan.
- The recommendations of 2017 The Moore Street Report – Securing History to the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs and Securing History 2 incorporated many of the recommendations of the Lord Mayor's Forum on Moore Street which published The Moore Street Battlefield Site Plan: The Lanes of History in 2016.
- It fails to meet the recommendations of The Dublin City Council Moore Street Advisory Committee.
- It runs contrary to the recommendations of The Kelly and Cogan Report on the protection of 1916 buildings commissioned by the City Council.

Impact on Businesses and Adjoining Property

- The proposal will adversely impact on the Moore Street market and independent businesses. The condition requiring the developer to ensure

protection of the market trading area, as far as it is practicable, is totally inappropriate.

- The construction period will have an adverse impact on existing retail and residents.
- The impact of the construction phase on air and noise has not been properly assessed.
- Construction traffic will hinder businesses trading.
- Impact of construction and construction traffic in such close proximity to the Rotunda hospital.

Proposed Uses

- Much of the footfall which the viability of the proposal is dependent on not illustrative of a post-Covid time.
- The city does not need further retail of the scale proposed.
- A more appropriate mix of uses including affordable homes and cultural, retail and community uses should be considered.
- Lack of public green space and sustainable green infrastructure.
- The proposal would reduce cultural space and impact on the city's night time culture with over concentration of hotels and retail.

Procedural Issues

- The applicant does not own or have vacant possession of all of the properties.
- The public notices did not give the full nature and extent of the development.
- There was no public notification of the 3D model which was submitted following the further information request for same.
- The proposal must be considered in tandem with the other proposed developments. The lodgement of 3 separate applications is confusing and misleading. The piecemeal approach to the development of the overall site is inappropriate and unfair to the public who cannot see the scale of the overall 'masterplan' development. It requires planners to consider a development

out of context with plans for the wider area. No clear overall masterplan has been presented despite the submission made.

- Only the planning authority can prepare a masterplan. There should be a strategic framework which relates to the physical, social and economic context of the site and its surroundings.
- The duration of the permission should not extend beyond the 5 year period.
- Conditions for the development must include enabling works for Metrolink.
- The extensive conditions attached to the decision preclude 3rd party participation and comment. Some lack detail and specificity.
- Inclusion of works to public lanes does not have the permission of the city council.
- The appropriate assessment does not mention loss of habitat for gulls. It is also possible that bats and birds may be present.
- There is little hope of the development being completed as it is totally dependent on other planning applications not yet made. The construction and delivery of Metrolink has been pushed further out. It is still at concept stage with no Railway Order applied for.
- Conflicts of interest arise.
- The condition addressing street traders is weak.
- Issues with the planning authority's online planning system.
- The City Council's involvement in discussions about a compensation scheme is inappropriate.

7.5. Further Responses

The appeals were circulated for comment. 2 submissions received.

7.5.1. Ray Bateson

- Concern regarding sale of site.
- Aarhus Convention principles breached.

7.5.2. **Troy Family Butchers Ltd.** in response to the 1st and 3rd Party appeals can be summarised as follows:

- The applicant cannot seek to benefit from submitting separate applications and then wish to have the said applications considered collectively.
- The current applications can only be governed by law that existed at the time of submitting the application.
- The applicant states that a delay in the railway order for the metro could affect the planning permission of a site that doesn't actually require any metro enabling works.
- The emphasis on conservation works taking time is disingenuous in the context of the extent of existing building fabric to be retained and that to be demolished.
- The construction works will be devastating for the north inner city.
- He concurs with the other 3rd party appeals.

7.5.3. **Moore Street Traders** (submission on its behalf by William Doran) can be summarised as follows:

- The proposed development has an impact on the wider community and businesses within the environs of the proposed site and the extension of the duration of the permission is not appropriate.
- Should permission be granted for 7 years the developer should be prevented from making use of section 42 of the Planning and Development Act, 2000, as amended, to extend the permission further. It would be appropriate to exclude the use of section 42.
- The Board is requested to refuse permission or impose enforceable conditions which protect the livelihood of the traders and which allows them to continue trading uninterrupted on Moore Street with practical and sensible planning conditions to control noise and dust.

8.0 Planning Assessment

I consider that the issues arising in the appeal can be assessed under the following headings:

- Procedural Issues
- Planning Policy and Context
- Cultural and Built Heritage
- Design and Architectural Approach
- Access and Servicing
- Amenities of Adjoining Property and Moore Street Market
- Duration of Permission
- Prospective Amenities

8.1. Introduction

- 8.1.1. The masterplan which accompanies the application for information purposes represents the development envisaged by the applicant for the entire site known as *Dublin Central Development*. The lands are divided into 6 sites, 1, 2AB, 2C, 3, 4 and 5. In this regard I refer the Board to section 1.3 of the masterplan and Figure 3.2 of the EIAR which show the sites relative to each other. Those elements outside the planning application site boundaries for sites 3, 4 and 5 are not confirmed and remain an aspirational part of the masterplan overall vision. Whilst the detail of sites 1, 2AB and 2C are yet to be finalised the applicant states that it will remain broadly within the parameters delineated within the masterplan. Discussions have been ongoing with Transport Infrastructure Ireland to coordinate the interface between Sites 2AB and 2C and the proposed Metrolink Station below. An application for a Railway Order for Metrolink has recently been lodged with the Board (ABP 314724-22).
- 8.1.2. Whilst each site is a discrete development, their context and interrelationship with the other sites is evident. As a consequence certain issues such as access and servicing and public realm works should be considered holistically.

- 8.1.3. As noted above permission was granted in 2010 under ref. PL29N.232347 (2479/08) for redevelopment of the majority, but not all of the site covered by the *Dublin Central Development* masterplan, providing for demolition of buildings, provision of retail, residential, office, gallery/cultural and commemorative centre in buildings ranging from 3 to 6 storeys over 3 levels of enclosed basement parking in addition to 2 no. new streets and 3 no. public spaces. The permission was for seven years. An extension of the duration of the permission was granted under reg.ref. 2479/08 X1 for a further five years. It expired in May 2022.
- 8.1.4. At this juncture I would bring to the Board's attention that under the Urban Regeneration and Development Fund the 'North Inner City Concept Area 1' has secured €121.3 million in funding in March 2021. Sub-projects under this scheme which I consider to be of relevance to the proposed development and the wider masterplan redevelopment area include:
- The allocation of €12.7 million towards the redevelopment of the National Monument at Nos. 14 -17 Moore Street
 - Moore Street Public Realm Renewal works
 - Markets and Public Realm study
 - Parnell Square Public Realm works.

8.2. Procedural Issues

- 8.2.1. Criticism has been levelled at the division of the overall masterplan lands into **separate sites**, each subject/to be subject of separate planning applications. Issues in terms of clarity as to the overall redevelopment proposals, the complexity of assessment in terms of the documentation provided and equity in terms of public participation and costs arising to engage in the planning process, have also been raised.
- 8.2.2. As noted previously the lands covered by the masterplan are divided into 6 sites of which 3 no. (sites 3, 4 and 5) are subject of concurrent appeals before the Board.
- 8.2.3. The rationale for the approach taken is based on the ability to progress the development in individual stages so that the risk of delay on one site can be absorbed and other elements can proceed independently. Viability in terms of

providing for maximum flexibility to adapt funding streams, if required, is also stated to be a material consideration for the applicant, whilst the finalisation of the Metro Enabling Works (MEW) which form an integral component of Sites 2AB and 2C are subject to separate processes outside the control of the applicant.

8.2.4. Whilst there is no question that such an approach raises issues in terms of the financial burdens placed on 3rd parties arising from their engagement in the planning process both at application and at this appeal stage, on balance, I accept the reasoning put forward for the approach. Site 4 subject of this appeal comprises of two sections of the terrace to the north and south of the National Monument at Nos.14-17 Moore Street. It is bounded by Moore Street to the west, Moore Lane to the east, Henry Place to the south and the remainder of the terrace to the north. Coupled with sites 3 and 5 it will provide for the redevelopment of almost the full block to the east of Moore Lane. Sites 3 and 4 are anticipated to be developed first with the direction of construction working from south to north. Site 5 is to be cleared, being located on the main route for construction traffic to access/egress the overall masterplan area. It is proposed to act as the site compound to facilitate the development of the other sites area and, as a consequence, would be developed last.

8.2.5. The adequacy of the **public notices** and absence of reference to the **3D model** submitted by way of further information has been raised by a number of appellants and observers. I consider that the nature and extent of the proposed development as described complies with the requirements of Articles 18 and 19 of the Planning and Development Regulations 2001, as amended. Reference is made to protected structures. This refers to the demolition/removal of a length of 20th century boundary to Moore Lane at the rear of Nos. 50-51, 52-54 Upper O'Connell Street, the latter which are so designated. Works adjacent to the National Monument (protected structures) is also referenced. The lodgement of the application and the revised public notices following further information predate the Notice of Proposed Additions to the Record of Protected Structures in the 2016 Development Plan dated July 2022. 17-18 Henry Place, 10 Moore Street, 12 Moore Street, 13 Moore Street, and 20-21 Moore Street are proposed to be included. The Board is advised that the current draft Dublin City Development Plan does not include any buildings/structures within the site in the list of protected structures. I also note that as per Article 35

there is no legal obligation to make reference to the model in the revised notices save to state that significant further information or revised plans, as appropriate, in relation to the application have been furnished to the planning authority.

- 8.2.6. **Letters of consent** from the City Council to the making of the application in respect of lands within its ownership and from the National Monuments Service, Department of Housing, Local Government and Housing for the portion of No.18 Moore Street in state ownership accompany the application.
- 8.2.7. Reference is made to **alternative plans** drawn up which are considered more sympathetic to the cultural significance of the area. I note that the documents and plans referenced include An Bille Um Ceathrú Chultúir 1916 currently under consideration by the Oireachtas, The Moore Street Renewal and Development Bill placed before the Seanad, the recommendations of The Moore Street Report – Securing History reports prepared by the Moore Street Advisory Group, the objectives of The Lord Mayor’s Forum - Lanes of History Report commissioned by Dublin City Council and the plan produced by Moore Street Preservation Trust.
- 8.2.8. I submit that the above referenced legislation has not been enacted and the referenced plans do not have any statutory basis. The site subject of this appeal is largely in private ownership with consent secured from the relevant owners of the remainder to make the application. The development brought forward is that before the Board for assessment. The other plans referenced by the appellants are not before the Board for comment or adjudication.
- 8.2.9. The application notes that the public roads and associated footpaths within the appeal site are in the charge of Dublin City Council. The development proposes to retain the existing lane/street network with no encroachment onto same. I note that consultation has been had with the relevant Transportation Planning Division regarding the proposed construction and access management which I will address in further detail in section 8.6 below.
- 8.2.10. The matters arising in terms of the planning authority’s procedures during its assessment of the application are not a matter for comment by the Board.

8.3. Planning Policy and Context

- 8.3.1. There is a suite of documents to which reference has been made by the applicant in setting the policy context of the proposed development.

National Policy

- 8.3.2. In a national context the proposal can be seen to accord with national policy as set out in the **National Development Plan 2021-2030 (NDP) and Project Ireland 2040 - National Planning Framework (NPF)** which seeks to secure the compact growth of urban areas and deliver higher densities in suitable locations. The proposal will deliver a mixed use development in a strategic location in the city centre through a regeneration and redevelopment project (National Strategic Outcome 1) and will encourage more people and generate more jobs and activity within the city (National Policy Objective 11). As noted in the NPF Dublin needs to accommodate a greater proportion of the growth it generates within its metropolitan boundaries and to offer improved housing choice, transport mobility and quality of life. Regard is also had to National Strategic Objective 7 of the NDP which recognises culture as a key component of and contributor to the attractiveness, strength and sustainability of the built environment and to economic growth.

Regional Policy

- 8.3.3. The **Eastern and Midlands Regional Spatial and Economic Strategy** includes the Dublin Metropolitan Area Strategic Plan. The proposal can be seen to accord with the provisions of Regional Policy Objective (RPO) 4.2 in seeking the consolidation and intensification of infill/brownfield sites and to provide high density and people intensive uses within the built up area of the city.

Local Policy

- 8.3.4. At the time of writing this report the **Dublin City Development Plan 2016** remains in force. In same the site is within an area zoned Z5 in the current City Development Plan, the objective for which is to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity. The mix of uses including retail, café/restaurant, residential, office, cultural and open space are all permitted in principle in such a zone.

- 8.3.5. Site 4 provides for 5 no retail and 4 no. café/restaurant units varying in size. Whilst the applicant is seeking a level of flexibility as to how these units will function the public notices and the plans accompanying the application are quite explicit as to the proposed use of each unit. This is not the case in the concurrent application for site 3 (ref. ABP 312603-22). Thus the said flexibility recommended in that instance cannot apply in the current case. I recommend that a condition be attached should permission be granted seeking planning authority agreement as to the proposed occupants of the units to ensure an emphasis of sit down restaurants rather than take away facilities in the units identified for café/restaurant.
- 8.3.6. Whilst a number of appellants and observers to the appeal query the need for retail floorspace and potential adverse knock-on impact on existing retail in the vicinity I note that the increase in retail floorspace relative to that existing on the site is very small. Coupled with the retail component proposed on Site 3 I submit that the additional floorspace is modest. Moore Street is designated as a category 2 retail street. The proposed retail component would be seen to comply with the city development plan policies pertaining to retail including RD6, RD13 and RD23 which promote and facilitate retail in the city centre including increase in the amount of retail floor space to accommodate higher order comparison goods.
- 8.3.7. 15 no. residential units are proposed I am satisfied that the proposal would be in accordance with Policies QH6 and SN1 of the City Development Plan which seek to encourage and foster the creation of attractive, mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities and which contribute to the structure and identity of the city. The obligations in terms of Part V are to be met within the scheme.

Planning Policy and Context - Conclusion

- 8.3.8. Whilst the redevelopment of the site can be seen to accord with both national, regional and high level local planning policies with the mix of uses acceptable in principle providing an opportunity for significant regeneration, the sensitivity of the site and the constraints arising from the tight urban grain within which it is located, coupled with its cultural significance, will be material factors in the assessment of the proposal, especially in the context of the built heritage which I propose to address in

sections 8.4 and 8.5 below. I propose to address compliance with other policies and objectives of the City Development Plan throughout my assessment.

8.4. Cultural and Built Heritage

8.4.1. Whilst the development provides for the retention and adaptive reuse of a number of the buildings within the site others are proposed for demolition. The application is accompanied by a body of work on the survey and assessment of the buildings within the site undertaken by M. Molloy & Associates Conservation Architects which informed both the overall masterplan and the documentation accompanying the application for the subject site. The application is also accompanied by floor plans of the buildings as existing. I refer the Board to the **Conservation Plan for the Dublin Central Masterplan Area**, February 2021, the **Architectural Heritage Impact Assessment for Site 4**, May 2021, **Appendix A5 Built Fabric Analysis** and **Chapter 15** of the EIAR. The statement of significance for each of the buildings is based on the guidance provided in the **Architectural Heritage Protection Guidelines for Planning Authorities, 2011** with a diagram delineating the ratings provided in Figure 5.1 of the Architectural Heritage Impact Assessment. I also refer the Board to Appendix A4 which accompanies the masterplan which sets out a Baseline Assessment of the 1916 and 1922 Battlefields within the Dublin Central Masterplan in addition to identifying what are considered to be significant buildings and places along the evacuation route. Appendix A4.12 accompanying the application is an Impact Assessment of the Public Realm. In addition section 3.6 of the Architectural Heritage Impact Assessment notes that the contribution of the site to the urban battlefield of 1916 merits consideration in terms of adherence with the principles of certain international architectural heritage protection charters and standards. The charters of Venice 1964, Granada 1985, Washington 1987 and Burra 2013 are considered integral to the assessment of impact.

8.4.2. Within the appeal site the following are to be retained and adapted:

- No.10 Moore Street
- Nos. 20 and 21 Moore Street
- Nos. 6 - 7 Moore Lane

8.4.3. The following are to be demolished

- Nos. 11 – 13 Moore Street save for the party wall between Nos 12 and 13
- Nos. 18 -19 Moore Street
- No. 5A Moore Lane (also known as Nos. 15-16 Henry Place)
- Nos. 10-11 Moore Lane
- Nos. 17-18 Henry Place (also known as 4-5 Moore Lane) save for ground floor front façade.

8.4.4. Many of the appellants and observers contend that the proposed development in demolishing part of the terrace along Moore Street, coupled with the interference with the lines of historic streets and laneways which form part of the battlefield of The 1916 Rising, would result in the destruction of a site which is of significant national and international cultural and historic importance. The results of some of the investigations carried out and referenced above are contested.

8.4.5. The 1916 Rising was a seminal event in Irish history and the importance of the site and general area is not in dispute. I would submit that the significance and import of the area has been in the public consciousness for a significant period of time. Notwithstanding, to date, **Nos. 14 -17 Moore Street** only, are designated as a **national monument** (and protected structures). It does not include any other buildings on Moore Street or in the vicinity and does not extend to the surrounding streets and laneways. In 2018 the Supreme Court, in overturning a declaration that buildings and sites on and around Dublin's Moore Street are a 1916 Rising battlefield site comprising a national monument, stated that the High Court had no jurisdiction under section 2 of the National Monuments Act to declare the buildings and site to be a national monument. The responsibility for the designation of a National Monument is within the remit of the Minister, only. It is not within the remit of either the planning authority or the Board.

8.4.6. None of the buildings within the appeal site are **protected structures** in the current **City Development Plan 2016**. A number are proposed protected structures for insertion into the 2016 Development Plan. The process for same under Sections 54 and 55 of the Planning and Development Act 2000 (as amended) was initiated in

July 2022. I also note that none are included in the **National Inventory of Architectural Heritage**.

8.4.7. I refer the Board to section 5 of the Architectural Heritage Impact Assessment which gives a statement of significance of the buildings within the site. In summary:-

8.4.8. **No. 10 Moore Street** is at the corner with Henry Place and is 3 storey over basement with a red brick front façade. It is connected to No.15 Henry Place and 5A Moore Lane. From the details accompanying the application the presence of 'shell brick' in the north wall suggests that substantial parts of the building is early for the Moore Street area, possible 18th or early 19th century. A 'creephole' can be seen in the north elevation at 2nd floor level which is indicated by a disturbance and subsequent patching of the brick masonry fabric, suggesting that the building is associated with The 1916 Rising. It is classified as being of high significance. The building is to be retained and adapted. It is a proposed protected structure.

8.4.9. **Nos. 11, 12 and 13 Moore Street** comprise of three storey red brick fronted buildings dating from the 1960s. The buildings are considered to be of limited/no significance save for the party wall between Nos. 12 and 13 which contains 18th and early 19th century brick and a 'creephole' associated with the 1916 Rising. This is to be retained. This is in accordance with the City Council's conservation report prepared in support of the insertion of Nos. 12 and 13 onto the record of protected structures.

8.4.10. **No. 18 Moore Street** is two storey brick fronted with curved roof, originally 3 storey which was in ruins in 1916. It is divided into two longitudinally with the southern half owned by the state. 18A is referred to as 'The Sliver' Building. The building is considered to be of limited/no significance and is to be demolished

8.4.11. **No. 19 Moore Street** is two storey, three bay brick fronted and was originally 3 storeys. It was in ruins by 1909 until it was reconstructed in the 1930's. The building is considered to be of limited/no significance and is to be demolished.

8.4.12. **Nos. 20 and 21 Moore Street** comprise of 3 storey brick fronted buildings comprising of 18th century structures with substantial 19th and 20th century modifications. It is yet to be determined whether there are basements. The buildings have been classified as being of high significance. They are to be retained

and adapted. This is in accordance with the City Council's conservation report prepared in support of their insertion onto the record of protected structures.

- 8.4.13. **5A Moore Lane** (also known as Nos. 15- 16 Henry Place) essentially comprise of mid-20th century extensions to No. 10 Moore Street. They appear as two storey two bay flat roofed red brick fronted buildings. There is no evidence of pre 1916 fabric. Save for the external walls they are to be demolished.
- 8.4.14. **Nos. 6-7 Moore Lane** comprises of a 19th century two storey over basement pitched roof building. The buildings have been classified as being of significance and are to be retained and adapted.
- 8.4.15. **Nos 10 -11 Moore Lane** is a 20th century structure. It is classified as being of little/no significance and is to be demolished.
- 8.4.16. **No. 12 Moore Lane** to the rear of Nos. 20 and 21 Moore Street is a concrete framed structure dating from the 1960s. It is considered to be of limited/no significance and is to be demolished
- 8.4.17. **Nos. 17-18 Henry Place** (also referred to as 4-5 Moore Lane) at the junction of Moore Lane and Henry Place is pre 1916. Originally a two and three storey warehouse it is now single storey. The buildings have been classified as being of moderate significance and it is proposed to retain the façade. This is in accordance with the City Council's conservation report prepared in support of their insertion onto the record of protected structures.
- 8.4.18. At **Nos. 50-51 O'Connell Street and Nos. 52-54 O'Connell Street** the extent of the development is limited to the removal of the rear boundary onto Moore Lane to facilitate construction traffic with no additional works proposed to the plots. The boundaries are considered to be of little/no significance.
- 8.4.19. From the details accompanying the application, supplemented by further information, the removal and reinstatement of **historic street surfaces** is to be addressed in the application for site 2 of the *Dublin Central Development* which is to include the public realm proposals for these streets. In carrying out a baseline assessment of the existing street surfaces on Moore Lane, O'Rahilly Parade and Henry Place for the said forthcoming application the visible historic surfaces are generally in good to moderate condition but some areas show stone setts and kerbs that are damaged, mechanically cut or broken with some beyond repair. I refer the Board to the report

by Courtney Deery submitted by way of further information. As the said areas are not within the red line boundary of the appeal site and are proposed to be dealt with in the application for site 2 I consider that any requirements in terms of treatment, retention in situ etc. be addressed at that juncture.

8.4.20. The Record of Protected Structures has been reviewed by Dublin City Council as part of the preparation of the **Draft Dublin City Development Plan 2022-2028**. I have reviewed the current iteration of the draft plan within the public domain. I can confirm that the buildings within the subject site have not been included as Protected Structures. As noted above the statutory process for the inclusion of certain specified buildings into the RPS of the current 2016 Development Plan has been initiated.

8.4.21. As noted previously many of the appellants and observers consider that the entirety of the area including the laneways etc. should be listed for protection. The fact remains that this is currently not the case and the current iteration of the draft plan does not propose same. I note that the inclusion of buildings/structures on the list of protected structures is within the remit of the planning authority with due regard had to the categories of special interest as set out in Part IV of the Planning and Development Act , 2000, as amended, and repeated in Chapter 2 of the Architectural Heritage Protection Guidelines against which buildings/structures should be assessed. The Board has no role in this function.

8.4.22. The site is adjacent to but not within the **O'Connell Street Architectural Conservation Area**. I note that notwithstanding reference made to a resolution by City Council members to make Moore Street an ACA I can confirm from an interrogation of the maps accompanying the current iteration of the draft development plan that the boundary pertaining to the O'Connell Street and Environs ACA, only ,is delineated thereon. However, I note that Policy CHC4 of the current city development plan states that development within or affecting a conservation area must protect and contribute positively to its character and setting and must not harm original street patterns and other features which contribute positively to the special interest of the conservation area. I will assess the acceptability of the proposal in terms of the adjoining ACA in the assessment of the design and architectural approach.

- 8.4.23. As noted above appellants and observers to the appeal make extensive reference to alternative plans drawn up which are considered more sympathetic to the area's historical and cultural context. As noted previously the said plans do not have any statutory basis with the legislation referenced not passed by the Houses of the Oireachtas. The only proposal before the Board for comment and adjudication is that subject of this application.
- 8.4.24. The site is partially within a **zone of archaeological potential** for Recorded Monument DU018-020 (Historic City) and is partially located within the zone of archaeological interest in the city development plan. By reason of the fact that the site is covered by buildings and hardstanding, archaeological investigations have not been carried out on the site. Due regard is had to the archaeological assessment undertaken previously on the site and in the vicinity. These are detailed in section 16.4.2 of the EIAR. They include Nos. 50 and 51 O'Connell Street, Nos. 14-17 Moore Street/8-9 Moore Lane and 17-19 Moore Lane. A programme of archaeological monitoring with test excavations is proposed.
- 8.4.25. As noted previously the appeal site is to either side of the **National Monument** at Nos.14-17 Moore Street. The area defined around the monument to ascertain impact as established by the National Monuments Service (see Figure 16.23 of the EIAR) includes Nos 13, 18 and 19 Moore Street and 6-7 Moore Lane. Works in the vicinity of the monument will be required to secure the necessary ministerial consent under Section 14 of the National Monument Act 1930 (as amended). I note that the application is accompanied by a letter of consent from the Department of the Housing, Local Government and Heritage to the making of the application. I also note the recommendations from the Department in response to the application including agreement in writing with the Department and OPW to ensure that no damage occurs to the national monument and that a project archaeologist be retained to monitor the temporary exclusion zones around the monument and other areas of significance. The extent of the exclusion zones are to be agreed with the planning authority and the Department.
- 8.4.26. As noted by the applicant the Irish Heritage Trust has been appointed by the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media to undertake the scoping exercise for the commemoration of The 1916 Rising Evacuation route. The applicant, therefore, does not consider it appropriate to put forward definitive

proposals but the landscape masterplan identifies high level/indicative proposals for a historic/commemorative trail. This approach is considered acceptable.

8.5. Design and Architectural Approach

Introduction

- 8.5.1. The application is accompanied by an **Architectural Design Statement** with **chapters 12 and 15 of the EIAR** addressing landscape and visual and architectural cultural heritage respectively. The details provided by way of further information are accompanied by amended plans. The application is also accompanied by a booklet of photomontages to which specific regard and comment is made in the EIAR. I consider that the photomontages are representative of the main views available towards the site. Such photomontages are only a tool, albeit a useful tool, in assisting and informing an assessment of the potential effects of the proposal.
- 8.5.2. The site is defined by a tight urban grain and block structure with strong street lines and clearly delineated edges. A number of the buildings fronting onto Moore Street were built after 1916 with a number constructed in the 1960s. The buildings onto Moore Lane to the rear and Henry Place to the south are more commercial/industrial in nature. Many of the buildings within the site are vacant and in a deteriorating condition.

Adaptation/New Build

- 8.5.3. The proposal entails the redevelopment of the site which is effectively divided into two sections separated by the National Monument at Nos. 14-17 Moore Street. The southernmost block provides for the retention and adaptation of No.10 with Nos.11 - 13 to be demolished and the new build reflecting the plot width, proportions and parapet levels of those being retained in the terrace. It will provide for retail at ground floor level fronting both Moore Street and Moore Lane with residential above. The elevation treatment to Henry Place is also respectful of the prevailing pattern.
- 8.5.4. The northern section entails the demolition of Nos.18 and No.19 with the retention of Nos. 20 and 21. The adaptation and new build along this section, again reflects the prevailing scale of development and is acceptable. I submit that the substantive issues arising is the proposed archway allowing for a new pedestrian way connecting Moore Street and O'Connell Street via the new public amenity space/plaza.

Public Plaza

- 8.5.5. The new pedestrian connection between Moore Street and O'Connell Street is proposed via a new **public amenity space/plaza**. The area proposed is effectively split between two sites, site 4 subject of this application and site 5. The bulk of the space is included within the current application equating to 1085 sq.m. of the overall 1253 sq.m. envisaged. The scheme provides for temporary works pending completion of the plaza. This, in my opinion, is not necessarily problematic subject to appropriate high quality treatment to the sites' interface during the construction phase. There is no physical boundary proposed to Moore Lane. Care will be required in terms of finishes and delineation to the lane to ensure a high quality environment. It should also reflect the plots of the buildings which are to be demolished to facilitate the space. This can be appropriately addressed by way of condition.
- 8.5.6. Whilst this new space and connecting street will alter the setting of Moore Street it would provide an amenity which would complement the retail offering on the site, would provide outdoor seating for the proposed café/restaurants and help to facilitate the 24-hour city concept in the area. It would also complement the cultural uses proposed and will allow for access to the National Monument.

Archway

- 8.5.7. Nos. 18 and 19 are to be demolished to facilitate the new **archway** between the extension to the National Monument and No.20 Moore Street. The extension to the National Monument at 18A Moore Street which is in State ownership is to be designed and developed in two phases. The 'interim phase' is that subject of this application and is contained entirely within No.18 Moore Street without any encroachment into No.17. The interim design facilitates the longer term potential to extend number 18a into the rear of No.17 to provide access. The final design will be progressed at the discretion of the Department. I refer the Board to page 54 of the Architectural Design Statement.
- 8.5.8. As extrapolated from the Architectural Heritage Impact Assessment (section 7.7) and reiterated in other documents accompanying the application the introduction of the arch over the new pedestrian way came about following engagement with the Moore Street Advisory Group and concerns expressed that a break in the Moore Street

terrace would interrupt the legibility of the National Monument Grouping. The rationale for the archway is to facilitate the new route through from O'Connell Street/Moore Lane and facilitate access to the new public plaza from Moore Street, while also providing for a degree of enclosure for the new space and maintaining an element of continuity in the façade treatment and materials.

- 8.5.9. The arch would link the upper levels of No.17 (extending above the proposed extension occupying part of the site of No.18) and No.20. The opening would be the equivalent height of 2 ½ storeys with the brick arch above being similar in design and height to the parapet above No.14 Moore Street and also to that of No.17. A detailed study of archway precedents in Dublin is provided by way of further information with modifications proposed in the arch design put forward to address the planning authority's concerns in terms of the original's scale and articulation.
- 8.5.10. There is a tradition of archways in Dublin and I consider that the terrace has the capacity to accommodate the introduction of a pedestrian opening without have a detrimental impact on its overall character. I consider that the amended iteration submitted by way of further information is materially more successful than that submitted with the application providing for a more simplified design and, in my opinion, is acceptable. I would not concur with the planning authority's conclusions in terms of the proposal and would not advocate the reduction in its scale or retention of the fenestration pattern above the opening as required by condition 4 (a) attached to its decision.

Impact on National Monument

- 8.5.11. As noted above a letter of consent from the Department of Housing, Local Government and Heritage to include the portion of No.18 within state control within the application accompanies the application. As noted above the new build to replace the section in said state control is so designed so as to allow for future connection into the **National Monument** and will be subject to Ministerial Consent. In addition there are other various locations which have a shared boundary with the National Monument. Detailed drawings for all the boundaries will be developed through the Ministerial Consent process in accordance with the OPW and the Department requirements. It will require careful and detailed consideration due to the current state of the National Monument. The principles which will be used in

approaching the works are summarised in page 62 of the Architectural Design Statement.

8.5.12. In addition care will be required in terms of the demolition and new build proposed in the vicinity of the monument with due regard had to same in the Construction and Demolition management Plan. This will be further refined in consultation with the OPW and the department.

8.5.13. The proposed development will alter the setting of the National Monument through the introduction of the new plaza and the new pedestrian link to be marked on Moore Street by the archway. I submit that this would be to the benefit of the monument allowing for access from the new plaza and supporting the delivery of a commemorative trail.

Extent of Demolition

8.5.14. Whilst the buildings to be **demolished** are indicative of the character of the area I consider that the public benefit of the proposal outweighs the case for their retention. I also consider that weight should be given to the proposed re-use and integration of the structures to be retained into the proposal and which would have positive regenerative impacts with the works considered to be of high quality in addition to the retention of the laneway network. I consider that it provides for an appropriate balance in preserving the urban heritage whilst simultaneously attempting to consider the need for modernisation and providing for public amenity.

8.5.15. The proposal could also act as a catalyst for further redevelopment and regeneration of the area and will assist in improving and enhancing the vitality of the area. On this basis I do not consider that a refusal of permission on the grounds of the proposed demolition to be justified.

8.5.16. I acknowledge the general acceptance that new-build projects involve a higher level of **'up-front' embodied carbon** compared to refurbishment projects. It must also be acknowledged that new-build projects can be designed to be highly energy-efficient, and the application includes an *Energy and Sustainability Statement* which states that the buildings are aspiring to meet a Net Zero Carbon strategy and will be constructed to meet or exceed the nZEB requirements, a matter which is ultimately dealt with separate to the planning code under the Building Regulations. The

development has also set progressive targets for embodied carbon based on the LETI (London Energy Transformation Initiative) targets for 2030.

Architectural Conservation Area

8.5.17. The site is adjacent to but does not form part of the **O'Connell Street and Environs ACA**. I consider that the development largely respects the fine grain of the site's historic plots with a strong vertical emphasis proposed. The new build is subtle in execution with due cognisance to the established built fabric. The height, plot widths and proportions of the new build respect the prevailing character in the vicinity. Improved connections are a stated objective for the ACA which the new pedestrian passage connecting Moore Street and O'Connell Street will address, improving permeability. The existing street pattern and laneways are to be retained. I do not consider that the proposed open space would be detrimental to same. I consider that the proposed development, in its own right, will complement the regeneration of the ACA, part of which is covered by the larger masterplan, and which has suffered extensive underutilisation and vacancy with deteriorating built fabric. This has had a knock-on impact on the overall character of the ACA. On this basis, I consider that the proposal can be seen to accord with the relevant policies and objectives of the City Development Plan in this regard.

Design and Architectural Approach – Conclusion

8.5.18. I submit that the proposal cannot be assessed in a vacuum without reference to the evolving and changing cityscape in the immediate vicinity. As an entity the cityscape has evolved. The city continues to evolve with recent developments of varying heights sitting alongside the older city fabric. The site, itself, has been subject to significant change with a significant percentage of the buildings rebuilt after/postdating The 1916 Rising. It is within this evolving context that the development will sit. The proposal will deliver significant gain in redressing the current vacancy and decline along Moore Street and will provide for an enlivened streetscape with the ground floor units occupied by retail units and café/restaurants. The new pedestrian way and plaza will provide for increased activity. This will provide for a footfall and knock-on presence which will ensure of vibrancy and passive surveillance, Such passive surveillance would be bolstered by the residential component.

- 8.5.19. In general terms, I note that the design concept aims to pick up on the key historic and architectural characteristics of the Dublin terrace in terms of scale, proportion, façade, rhythm and materiality. I consider that the proposal would sit comfortably in its context, while also reflecting the character of the existing buildings on site. The visual impact of the proposal, both in its own right and when viewed in the context of that proposed on site 3 to the south and site 5 to the north, as expressed onto Moore Street, Henry Lane and Moore Lane would be acceptable. The visual impact from farther afield would be minimal.
- 8.5.20. I also consider that the development taken in the context of the concurrent proposals for the redevelopment of other sections of Moore Street and the adjoining laneways coupled with the plans for a museum in the National Monument holistically supports the provisions of development plan policy CHC20 which seeks to support the retention and refurbishment of the cultural quarter associated with 1916 on Moore Street and will not hinder the provisions of objective CHC030 which seeks to develop a 1916 Historic Quarter, including Moore Street, the GPO and Parnell Square, creating an integrated historic, literary and commercial focus for the north city centre and providing potential for tourism.
- 8.5.21. Whilst the buildings to be demolished have been recorded for the application the Architectural Heritage Impact Assessment recommends that a copy of the measured surveys and photographic records be submitted to the Irish Architectural Archive.

8.6. Access and Servicing

- 8.6.1. I refer the Board to the Transport Assessment – Volume 1: Sites 3, 4 and 5, Volume 3: Transport Assessment Overall Development, chapter 13 of the EIAR, Preliminary Construction Traffic Management Plan and Outline Construction and Demolition Management Plan for Site 4.
- 8.6.2. Whilst reference is had to historic **traffic surveys** dating back to 2008 and restrictions in carrying out the necessary surveys to feed into the Traffic Assessment arising from the Covid pandemic, regard is had to traffic surveys carried out by TII in 2018 and a further survey carried out by Dublin City Council in February 2020. Both postdate the opening of LUAS and predate the Covid pandemic. I consider that these surveys provide a reasonable representation of the prevailing vehicular and

traffic environment in the vicinity of the site. The traffic modelling is based on the City Council's survey.

- 8.6.3. In view of the city centre location of the site and proximity to quality public transport no parking is proposed within the scheme (Site 4). For the Board's information no parking is proposed within sites 3 and 5. 33 spaces, only, are proposed in Site 2. I note the capacity available in public car parks in the vicinity including Ilac centre, Arnotts and Jervis Street.
- 8.6.4. A total of 44 no **bicycle parking spaces** are proposed in site 4 interspersed through the scheme. This is considered reasonable.

Access and Site Servicing – Operational Phase

- 8.6.5. The application is accompanied by a **Servicing Management Plan** which is informed by the Servicing Management Plan prepared for the overall masterplan site. Currently the retail units facing onto Moore Street are serviced from same during 0600 and 1100 after which it is a pedestrian zone. Henry Place bounding the site to the south and Moore Lane to the east operate 24 hours a day and are outside the pedestrian zone restriction.
- 8.6.6. A survey of existing vehicular activity in the area was taken on a Saturday in September 2018 and a Tuesday in October 2018 and reasonably reflect pre Covid loading and servicing patterns with the results provided in the said Servicing Management Plan.
- 8.6.7. In view of the absence of any car parking coupled with the site's proximity to quality public transport, additional vehicular movements associated with the overall *Dublin Central Development* site would be very low equating to 45 arrivals and 29 departures in the AM peak with 10 arrivals and 28 departures in the PM peak. The greatest percentage would be delivery vehicles. For the overall masterplan site deliveries would be 17 in the AM peak hour (each way) and 2 in the PM peak hour (each way) with sites 3,4 and 5 accounting for 8 (each way) in the AM peak hour and 1 (each way) in the PM peak hour.
- 8.6.8. The servicing arrangements for site 4 is that all the retail units located to the north and south of the National Monument will be served directly from Moore Street between 6 -11am daily as currently occurs. A loading bay is proposed on the western side of Moore Street to support servicing at sites 3 and 4. Smaller goods

vehicles can also load via Moore Lane and Henry Place 24 hrs a day, as currently occurs.

8.6.9. On the realisation of the redevelopment of the overall masterplan site the servicing arrangements for the entire area will be altered to which a number of appellants have expressed concern due to the knock on impact to businesses and residents in the area.

8.6.10. The masterplan for the overall lands proposes:

- Extension of pedestrian zone to include Moore Lane (south of O’Rahilly Parade) and Henry Place save for goods vehicles between 6am - 11am.
- O’Rahilly Parade to be widened and to be one way only (eastbound) with a loading area.
- Moore Lane to be one way northbound between O’Rahilly Parade to Parnell Street.
- Additional loading areas and public realm on Henry Place through purchase of Nos. 59 and 60 O’Connell Street.
- A delivery hub within site 5 is proposed at the junction of O’Rahilly Parade and Moore Street to cater for deliveries after 11am intended mainly for use for Sites 2AB, 3 and 4 which are not in proximity to a 24 hr loading area. This is proposed to be used during the construction and operational stages
- The estate management company will oversee deliveries throughout the overall masterplan site.

8.6.11. Certainly, the realisation of the overall masterplan development will alter the current servicing arrangements for a number of existing retail/commercial units in the vicinity but access will be retained. Alterations to access along city streets is not an uncommon scenario and requires key holders to adapt to changing circumstances. A working group is to be set up made up of site management, management of adjoining properties and market traders representatives to co-ordinate regular deliveries.

8.6.12. I note that the Transportation Planning Division has no objection to the proposed plans nor has expressed reservations as to the proposed reorder of the existing

streets in the area of the overall masterplan site. The condition attached to the planning authority's decision to grant permission requiring a review of the Servicing Strategy after 12 months is appropriate to allow for the incorporation of any amendments to ensure optimum servicing access arrangements.

Access and Site Servicing - Construction Phase

8.6.13. Appellants and observers express serious concern as to the impact of the **construction phase** on the amenity and viability of commercial enterprises in the vicinity and impact on amenities of residential property. Their concerns are linked to the potential duration of the construction period associated with the development of all masterplan lands.

8.6.14. As noted, the application is accompanied by a Preliminary Construction Traffic Management Plan and Outline Construction and Demolition Management Plan for Site 4 which is informed by the equivalent documents prepared for the overall site covered by the masterplan. The constraints arising in terms of construction access for the appeal site are noted with traffic management measures in place in the surrounding road network.

8.6.15. The nature of the construction process is such that the traffic generated will comprise short periods of intense activity interspersed with longer periods of lower levels of truck movements into and out of the site. Section 4.4 of the preliminary plan details 3 periods where intensive activity is likely namely:

- Demolition of existing buildings and removal of demolition waste
- Basement excavation
- Erection of structural frames and cladding

8.6.16. The expected HGV movements is based on a construction program delineated in Figure 16 of the Transport Assessment and Figure 13.21 of the EIAR. As extrapolated from same the construction period of the overall *Dublin Central Development* site is programmed to extend over a period of 10 years with the major heavy construction expected to be carried out during the 1st four years. A 5 year construction period is estimated for sites 3 and 4. Between 65 to 95 arrivals and 65 to 95 departures per day are predicted. 12 construction related truck movements each way are expected in the AM peak hour of 0800 and 0900.

8.6.17. Following discussions with Dublin City Council a preferred haul route in addition to an alternative route have been identified. In both instances traffic would enter from Parnell Street into Moore Street with an anti-clockwise circulation. Inbound access for the majority of the construction vehicles will be from Parnell Street to Moore Street/O’Rahilly Parade with outbound departures from Moore Lane to Parnell Street. The preferred route has regard to a number of local constraints including :-

- The lack of a stacking lane on Parnell Street in advance of the left turn into Moore Lane should there be a delay entering Moore Lane
- The restricted width of the left turn from Parnell Street around Conway’s pub into Moore Lane which could cause delays
- The relatively easy right and left turns from Parnell Street to Moore Street
- The availability of a stacking area for the right and left turns from Parnell Street into Moore Street.

8.6.18. An alternative part time access from Parnell Street via Moore Lane is also proposed for long vehicles with restricted operating hours before 11am.

8.6.19. Localised works are required at the junction of Moore Street and O’Rahilly Parade, at the junction of O’Rahilly Parade and Moore Lane and along Moore Lane to facilitate the construction traffic. Concerns as to the impact on nearby premises arising from these works has been raised. I note that the exact detail of the works will be subject to a separate Road Opening Licence Agreement and it is reasonable to assume that cognisance will be taken of all authorised development associated with adjoining businesses/buildings in formulating a workable layout to facilitate construction traffic movements. The Liaison Officer to be appointed will keep residents and businesses informed and address any issues that might arise.

8.6.20. Local traffic management on Moore Lane would require temporary traffic signals and/or flagmen at different locations and times to facilitate passing vehicles. Site 5 within the overall masterplan site which is the subject of a separate appeal to the Board under ref. ABP 313947-22 (2863/21) to the north of the appeal site is to be used as a construction compound. Stacking of lorries on the streets surrounding the development is not proposed with lorries to be held at a staging area located remote from the site until they are called in by radio. This would be normal procedure for

large city centre development sites where space for lorries is restricted. The provision of this suitable staging location and controlled construction deliveries will ensure that the proposed one-way route at Moore Street will not impact upon the LUAS or impede access to the Rotunda Hospital.

- 8.6.21. The appointed contractor will be required to maintain access to all properties including the carpark serving the apartments at Greeg Court and those along Moore Lane outside of the development site with the necessary control measures to be put in place to minimise nuisance and manage waste.
- 8.6.22. The traffic impact assessment carried out calculated that the predicted construction vehicular movements represent 1% of the existing traffic flow per hour each way on Parnell Street during the peak periods. Whilst this is materially lower than the 5% threshold over which a transport assessment is required one was carried out to assess the impact on the operation of Parnell Street between O'Connell Street Upper and Dominick Street using the computer program TRANSYT. The predicted impact on the operation of Parnell Street is summarised in Table 13.16 of the EIAR. The highest changes in performance during the construction phase occur on Parnell Street (E) – Junction 1 and on Dominick Street Upper (N) – Junction 4 but both would continue to operate within capacity within the AM peak hour.
- 8.6.23. In response to the appellants' and observers' criticisms of the proposed plan and the potential alternative access from O'Connell Street the applicant advised that the option was not favoured by the planning authority and I would concur that such a route would be very challenging, in particular due to disruption to public transport facilities. The agreement of the city council for the construction traffic route will be required.

Access and Servicing - Conclusion

- 8.6.24. There is no question that due to the site constraints and location within a city centre site with a tight urban grain that construction traffic access and management will be a complex endeavour which will undoubtedly impact on the amenities of the area. Whilst I empathise with the local traders and residents as to the disruption that will arise and the potential for such works to be a deterrent to pedestrians and shoppers noting the cited experiences with other projects constructed in the vicinity including LUAS, this is not sufficient grounds on which to preclude redevelopment of such a

strategic site in north inner-city Dublin. I note the concerns regarding the longer term construction period envisaged to realise the full extent of the masterplan site. At the time of writing of this report applications for sites 3, 4 and 5, only, are before the Board for assessment. I refer the Board to my assessment in terms of the duration of permission sought in this instance as set out in section 8.8 below and the relevant sections in the concurrent reports.

- 8.6.25. The control and monitoring of **noise, vibration and dust** on site is set out in section 7 of the Outline Construction and Demolition Management Plan prepared for Site 4. Conditions to address the issues arising would be standard protocol requiring the implementation of best practice.

8.7. **Amenities of Adjoining Property and Moore Street Market**

- 8.8. The ability of **Moore Street Market Traders** to continue operating during the construction phase of the development is a valid concern and I accept the stated concerns have significant merit. However, the corollary is that redevelopment of the site necessitates construction works and traffic which, of themselves, will always bring an element of disruption. Whilst conditions limiting the impacts of the construction phase would be standard in such a development the need for the traders to cease trading at this location or relocate for a time, in my opinion, will be inevitable.
- 8.8.1. I also acknowledge the construction phase will also impact on the retail units along Moore Street and in the immediate vicinity with the potential to deter pedestrians and customers due to reduced shopping amenity.
- 8.8.2. I note that the **Moore Street Advisory Group (MSAG)** which reports to the Minister for Heritage and Electoral Reform in its report of June 2021 accepted that street trading on Moore Street is likely to have to cease for the duration of the construction works. At that juncture it noted that consultation with the traders and Dublin City Council did not identify a suitable, mutually agreeable relocation site for the traders. It also acknowledged that construction may impact on all businesses in the area. Given this set of circumstances the MSAG supports the establishment of a compensation fund for the street traders to be paid by the developers.

- 8.8.3. **Condition 11** attached to the planning authority's decision which requests the developer/owner to ensure protection of the Moore Street Casual Trading Area during construction, as far as practicable, and to provide support and liaise with the Casual Traders and/or representatives where trading is no longer possible or relocation is necessitated is, in my opinion, ineffectual and vague and does not meet the criteria to be considered when imposing a condition as set out in section 7.3 of the **Development Management Guidelines for Planning Authorities (2007)**. In this regard I submit that the condition is not reasonable, is not relevant to planning, is not necessary in that its omission would not warrant a refusal of permission, is not precise and is not enforceable. I therefore recommend its omission.
- 8.8.4. Again, whilst the impact on traders is fully acknowledged and is regrettable this, for a certain period, is a required compromise so to secure the proper planning and sustainable development of the area. The Board has no role in terms of a compensation fund and it is not appropriate to comment on issues raised in a number of appeals and observations pertaining to same. I would also submit that it will be a matter for the said advisory group in conjunction with the local authority to advocate and encourage the re-establishment of the market on the completion of construction. The issue of the location and licencing of pitches is a matter for the local authority.

8.9. **Duration of Permission**

- 8.9.1. The applicant is appealing condition 3 limiting the duration of the permission to 5 years. 3rd parties have specific concerns regarding the 7 year permission sought in terms of the construction phase with respect to the impact on Moore Street market, businesses and residential units along Moore Street and surrounding areas.
- 8.9.2. The applicant's case is based on the need to deliver the masterplan in stages due to the overall site constraints which are stated to be:
- Restricted access arising from the two major pedestrianised streets (Henry Street and Moore Street) flanking the overall site and the existing narrow lanes,
 - Protected and non-protected structures to be retained,
 - Neighbours including residents and local businesses,

- The scale and nature of construction works to be undertaken.

8.9.3. The construction phasing strategy envisages a future build out from south to north progressing generally from Henry Street towards Parnell Street, commencing with sites 3 and 4.

8.9.4. It is stated that a construction programme of 5 years is expected for sites 3 and 4 but a contingency of a further 2 years is sought. As acknowledged in earlier sections of this assessment the complex nature of the redevelopment of the overall masterplan site with identified constraints are acknowledged and certainly the justification for a longer duration of permission on other parcel(s) within the overall masterplan plan site may have merit, however I do not consider that such constraints are applicable to site 4. The works entailed in the development, which is relatively small in area, and including retention of existing building fabric, including some of which are proposed protected structures, does not present any challenges that can be considered unique or exceptional which would not be encountered in other inner city redevelopment sites although the proximity of the National Monument and requirement to secure ministerial consent to undertake works is subject of a separate legislative code is noted. Notwithstanding, I do not consider that the applicant has presented a cogent argument to suggest that such consent would not be forthcoming or that any issues arising would not be resolved in view of the extent of consultations had to date with the respective department. In addition, I note that the justification of the division of the overall masterplan site into 6 is so as to allow sections to proceed without impediment should delays arise elsewhere. It will be within the remit of the developer to ensure that the works are substantially complete within the normal 5 year permission duration. The strictures placed on the extension of duration of permission in terms of development subject of EIA is noted. The amendments to section 42 of the Planning and Development Act, 2000, as amended, came into effect on 9th September 2021. However, such a justification for an extension of duration is not considered appropriate or acceptable. I therefore concur with the planning authority's decision and recommend that the duration of permission in this instance be 5 years.

8.10. Prospective Amenities

- 8.10.1. Whilst reference is made to Build to Rent in the Housing Quality Assessment contained in the Architectural Design Statement no such reference to made to same in the public notices as required by Specific Planning Policy Requirement (SPPR) 7 of the **Sustainable Urban Housing - Design Standards for New Apartments, Guidelines for Planning Authorities, 2020**. On this basis I submit that the residential provision requires to be assessed against the requirements for apartment schemes in general and not those tailored specifically for BTR schemes and to which SPPR 7 and SPPR 8 refer.
- 8.10.2. 15 no. apartments are proposed as part of the development. As per the details given on the floor plans and the residential schedule set out on page 74 of the Architectural Design Statement the units are as follows:
- 9 no. 1 bed units (60%)
 - 3 no. 2 bed (3 person) units (20%)
 - 3 no. 2 bed (4 person) units (20%)
- 8.10.3. In terms of dwelling mix SPPR 2 allows for a level of flexibility for building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha. Where up to 9 residential units are proposed, there is no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises of studio-type units. On schemes between 10 to 49 residential units, the flexible dwelling mix provision for the first 9 units may be carried forward and the parameters set out in SPPR 1, shall apply from the 10th residential. The scheme accords with same.
- 8.10.4. Following the amendments arising following the further information request the units all exceed the minimum floor area requirements. 13 of the 15 units are dual aspect materially exceeding the 33% requirement of SPPR 4 for such a city centre site. The two units within the retained Nos. 20 and 21 Moore Street are single aspect with a westerly orientation onto Moore Street.
- 8.10.5. The minimum floor to ceiling heights comply with the requirements of SPPR 5 with 2.7 metres in the new build and 2.4 in the retained structures. The maximum number of units per floor per core as required by SPPR6 is not exceeded.

- 8.10.6. The new build component in the southernmost section of the site provides each unit with a balcony, all of which meet the minimum requirements in terms of space. Access to the said units is from a 1st floor communal courtyard. The amenity spaces serving the units at 1st floor level are to be screened from the communal courtyard by planters.
- 8.10.7. In view of the site sensitivities in terms of conservation and streetscape, balconies are not considered appropriate to the units in the retained structures at Nos. 20 and 21. Therefore the units are not served by private amenity space. I would concur with the view that the addition of balconies would not be in keeping with the architectural heritage of the site. Their location in proximity to the public plaza is considered an appropriate compromise.
- 8.10.8. In terms of communal open space 155 sq.m. is to be provided at ground and podium levels within the southern block which exceeds the 62 sq.m. requirement. As above no communal space is provided for the units within the retained structures but in view of their location in proximity to the public plaza is considered appropriate.
- 8.10.9. The application is accompanied by a Sunlight, Shadow and Daylight Analysis Report. It relies on the standards in the following documents:
- BRE Report “Site Layout Planning for Daylight and Sunlight”; and
 - British Standard BS 8206-2:2008 Lighting for Buildings – Part 2 Code of Practice for Daylighting.
- 8.10.10. I note that section 6.6 of the relevant Section 28 Guidelines **Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020** states that planning authorities should have regard to quantitative performance approaches to daylight provision outlined in guides like (*my emphasis*) the BRE guide ‘Site Layout Planning for Daylight and Sunlight’ (2nd edition) or BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’ when undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision.

- 8.10.11. Whilst I acknowledge that subsequent to the preparation of the applicant's report a revised Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE209 2022) was issued in June 2022 I consider that appropriate and reasonable regard is had by the applicant to the above referenced statutory guidelines and the advice detailed therein. I have also had appropriate and reasonable regard to same.
- 8.10.12. As noted in section 1.6 of the BRE document the detail is advisory, it is not mandatory. Although it gives numerical guidelines it recommends that they be interpreted flexibly since natural lighting is only one of many factors in site layout design. The guidelines also note that in a historic city centre, or in an area with modern high-rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.
- 8.10.13. In terms of daylight and sunlight to the proposed units the BRE Guidance with reference to BS8206 – Part 2 sets minimum values for ADF that should be achieved. These are 2% for kitchens, 1.5% for living rooms and 15 for bedrooms. Section 2.1.14 of the BRE Guidelines notes that non-daylight internal kitchens should be avoided where possible, especially if the kitchen is used as a dining area too. If the layout means that a small, internal galley-type kitchen is inevitable, it should be directly linked to a well daylit living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. It does however, state that where a room serves a dual purpose the higher ADF value should be applied.
- 8.10.14. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution.
- 8.10.15. The proposed apartment layouts include a kitchen/living/dining room. As these rooms serve more than one function the 2% ADF should be applied.

- 8.10.16. As noted above the application is accompanied by a Daylight and Sunlight Assessment Report. The target value of 2% was applied to living/kitchen/dining rooms and 1% to bedrooms. I am satisfied as to the veracity of the results in so far as is practical and that the units assessed within the study represent the worst-case scenario.
- 8.10.17. I note that 7 no. units do not meet the target values namely units RU 2, RU 3 RU 4, RU10, RU11, RU12, and RU13. The case made is that either the spaces are behind a retained façade which limits the window sizes or that the window sizes on the Moore Street elevations have been sized to be sensitive to the National Monument and that it was concluded that attaining a 2% ADF would detrimentally affect the character of the elevation. Having regard to the advisory nature of the BRE guidance, the importance of the Moore Street elevation and the need to protect its character in proximity to the National Monument I conclude that the ADF achieved are acceptable.
- 8.10.18. In terms of overshadowing a Shadow Plan have been produced. The proposed amenity space serving the apartments is to be provided at podium level will receive at least 2 hours of direct sunlight on over 80% of the space and therefore meets the 2 hour minimum requirement of the BRE guidelines. Due consideration is given to the impact of the proposed development on Site 3 to the south in this assessment.
- 8.10.19. The new public square would also receive adequate levels of sunlight with over 90% of the space achieving 2 hours of direct sunlight on the 21st March.

Proposed Apartments Qualitative Standards - Conclusions

- 8.10.20. On balance and having regard to the site constraints within such a city centre site with a tight urban grain and the extent of built fabric to be retained, I consider that the proposed development, as amended by way of further information, would provide for an adequate level of amenity for prospective occupants.

8.11. Planning Assessment – Conclusion

In conclusion, I would not subscribe to the view as espoused by a number of the objectors that the policies and objectives and strategic goals of the City Development Plan are contravened and would counter that the proposal, in its own right, and in the context of the wider redevelopment as proposed for what is referred to as the *Dublin*

Central Development site, will assist in the regeneration and redevelopment of an important, inner city site whilst endeavouring to protect important resources where cultural and built heritage is safeguarded. In view of the benefits of the proposed development and the retention of a quantum of historic fabric and its likely positive knock-on impact in terms of economic regeneration of this part of the city centre, I consider the proposed development to be acceptable and conclude that it accords with national, regional and local planning policies, objectives and guidance.

9.0 Environmental Impact Assessment

9.1. Introduction

- 9.1.1. This section of the report comprises an environmental impact assessment of the proposed development. A number of the matters to be considered have already been addressed in the Planning Assessment above. This section of the report should therefore be read, where necessary, in conjunction with relevant sections of the said assessment.
- 9.1.2. Both the 2014 amended EIA Directive (Directive 2014/52/EU) and the European Union (Planning and Development)(Environmental Impact Assessment) Regulations 2018 are applicable.
- 9.1.3. In terms of the classes of development in Schedule 5 of the Planning and Development Regulations 2001, as amended, for which an EIAR is required, the site subject of this appeal, at 0.31 hectares, is below the 2 hectare threshold for urban development in a business district as set out in Class 10 (b). However, taken cumulatively with the other sites covered by the *Dublin Central Development* masterplan, equating to 2.2 hectares, the said threshold is exceeded.
- 9.1.4. An EIAR was submitted with the application which was amended in response to the request for further information. It provides for a holistic assessment of environmental impacts and applicable mitigation measures for sites labelled 3, 4 and 5. It also provides for an assessment of the overall development of the 2.2 hectare *Dublin Central Development* Site as envisaged in the prepared masterplan.

Content and Structure of EIAR

9.1.5. The EIAR, as amended, consists of 2 volumes, grouped as follows:

Volume 1: Written Statement and Non-Technical Summary

Volume 2: Appendices

9.1.6. In accordance with Article 5 and Annex IV of the EU Directive, the EIAR provides a description of the project comprising information on the site, design, size and other relevant features. It identifies, describes and assesses in an appropriate manner, the direct and indirect significant effects of the project on the following environmental factors: (a) population and human health; (b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape and it considers the interaction between the factors referred to in points (a) to (d). It provides an adequate description of forecasting methods and evidence used to identify and assess the significant effects on the environment. It also provides a description of measures envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects. The mitigation measures are presented in each chapter and are summarised in Chapter 18. Where proposed, monitoring arrangements are also outlined. No difficulties were encountered in compiling the required information although the restrictions arising from the Covid 19 pandemic and carrying out of traffic surveys are noted.

9.1.7. I am satisfied that the information provided is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment. I am also satisfied that the information contained in the EIAR complies with the provisions of Articles 3, 5 and Annex (IV) of EU Directive 2014/52/EU amending Directive 2011/92/EU and Article 94 of the Planning and Development Regulations 2000, as amended.

9.1.8. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality. I note the qualifications and expertise of the persons involved in the preparation of the EIAR set out at the start of each section.

- 9.1.9. I am satisfied that the information provided in the EIAR is sufficiently up to date and is adequate for the purposes of the environmental impact assessment to be undertaken.
- 9.1.10. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application and the appeal. A summary of the submissions made have been set out in section 7 of this report.
- 9.1.11. The main issues raised specific to EIA can be summarised as follows:
- Impacts on cultural heritage and loss of historic fabric.
 - Landscape (townscape) impacts
 - Impacts on population and human health during the construction phase from noise, vibration, dust and traffic
 - Impacts on material assets from alterations to access and site servicing.
- 9.1.12. These issues are addressed below under the relevant headings and, as appropriate, in the reasoned conclusions and recommendation.

9.2. Consultations

- 9.2.1. Details of the consultations entered into by the applicant as part of the preparation of the project are set out in section 1.9 of the EIAR. Submissions received during the course of the planning authority's assessment of the application including submissions from prescribed bodies, are summarised in section 3 above, with the 3rd party appeals and observations received by the Board summarised in sections 7.1, 7.4 and 7.5 above.
- 9.2.2. I consider that the requirements in terms of consultations have been adequately met by the applicant.

9.3. Vulnerability to Risk of Major Accidents and/or Disaster

- 9.3.1. The requirements of Article 3(2) of the Directive include the expected effects deriving from the vulnerability of the project to risks of major accidents and/or disaster. The EIAR addresses this issue in Chapter 17.

- 9.3.2. During the construction and operational phases 15 no. possible risks were identified whereby the proposed development has the potential to cause/be impacted by a major accident/disaster (see Tables 17.5 and Table 17.6). Potential risks during the construction phase will be managed through the Construction and Demolition Management Plan (CEMP). In terms of the operational phase and fire risk the buildings have been designed to existing fire regulations requirements. Consideration is also given to the potential risk on the nearby Luas and proposed Metrolink from acts of terrorism and consequent impact on the appeal site. Whilst very unlikely to occur should such a scenario arise it would have very serious consequences. It is thereby classified as a 'medium risk scenario'.
- 9.3.3. The site is not connected to or close to any site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO and so there is no potential effects from this source. The nearest site ('Upper Tier Establishment') is 2.5 km to the east.
- 9.3.4. It is considered that having regard to the nature and scale of the development itself, the risk of major accident and/or disaster during the construction and operational phases is considered low in accordance with the risk evaluation methodology and I am satisfied that this issue has been addressed satisfactorily in the EIAR.

9.4. Alternatives

- 9.4.1. Article 5 (1) (d) of the 2014 EIA Directive requires:

"(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;"

- 9.4.2. Annex (iv) (Information for the EIAR) provides more detail on 'reasonable alternatives':

"2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for electing the chosen option, including a comparison of the environmental effects."

- 9.4.3. No alternative sites were considered on the basis that the site is suitable for the nature of the development proposed due to its location within the city centre subject to the Z5 zoning provisions.
- 9.4.4. The alternatives assessed include the 'do nothing' scenario and the scheme previously permitted on the site under planning reference PL29N.232347 (2479/08). The other alternatives presented would appear to be, in effect, iterations of the scheme which were presented to the city council during pre-application consultations from which modifications resulted. Consideration is also given to alternative processes and mitigation measures.
- 9.4.5. Having regard to the Guidelines for carrying out Environmental Impact Assessment (2018) which states that the type of alternatives will depend of the nature of the project proposed and the characteristics of the receiving environment I consider that the requirements of the Directive in terms of consideration of reasonable alternatives have been discharged.

9.5. Population and Human Health

- 9.5.1. As would be expected the likely effects of the proposed development on human beings and health are addressed under several of the headings of this environmental impact assessment and, as such, should be considered as a whole. Of particular relevance are issues arising from noise, traffic, air quality and visual impact. I propose to address the latter 3 subjects in subsequent sections below. Chapter 5 deals with population and human health. Chapter 11 of the EIAR deals with noise and vibration.

Receiving Environment

- 9.5.2. I refer the Board to the section 2 of this report which gives a site location and description. In summary the site is located within the north inner city centre comprising of a mix of retail, commercial and vacant properties and lands surrounded by a road network.
- 9.5.3. In a 'Do Nothing' scenario the site will remain an underutilised and deteriorating city centre site which would have a knock-on negative impact on the vibrancy and vitality of surrounding areas.

Predicted Effects

- 9.5.4. Positive impacts in terms of the direct effects on job creation during the construction and operational phases are expected.
- 9.5.5. Negative impacts on existing market traders and business owners during the construction phase.
- 9.5.6. Positive impacts are anticipated arising from the redevelopment of the site and provision of residential, commercial and local amenities. Indirect positive impacts identified include the improvement of the economic and social prosperity of the surrounding area and commercial linkages with existing business/retail industry throughout the city. It would also contribute to the social and cultural growth of the city centre.
- 9.5.7. Air quality and noise during construction could have potential impacts on human health. The major dust generating activities are divided into four types: demolition, earthworks, construction and trackout. Each activity is assessed for potential impact. The major noise generating activities for construction noise are identified including demolition and site clearance, basement excavation including piling works and construction traffic. Each activity is assessed for potential impact. Vibration is also addressed. The main potential source of vibration during construction is associated with piling and ground breaking activities.

Features and measures to avoid, prevent, reduce or offset likely significant adverse effects on the environment

- 9.5.8. To minimise significant nuisance arising from dust and noise a Preliminary Construction Traffic Management Plan and Outline Construction and Demolition Management Plan have been formulated. These plans include site management, demolition and clearance works, traffic management and dust minimisation. In terms of construction noise and vibration Best Practicable Means are to be employed with the measures to be used detailed.
- 9.5.9. Dust and vibration monitoring are to be undertaken at nearest sensitive receptors. Noise control audits to be conducted at regular intervals.
- 9.5.10. Liaison and communication with noise sensitive receptors.

- 9.5.11. During the operational phase the majority of plant items are to be housed internally. Noise from any new plant items will be designed and/or controlled so as not to give rise to any adverse effects at the nearest noise sensitive locations.

Residual Impacts

- 9.5.12. Due to the nature of construction noise and the proximity of noise sensitive receivers it is predicted the residual construction noise levels will be at or above the relevant noise criteria while works are within 10 metres of commercial receptors and 15 metres of residential receptors during initial site works. This will be negative, moderate to significant and short term. As the distance increases the magnitude of the impacts will decrease.
- 9.5.13. Positive residual impacts arising pertain to creation of employment and redevelopment of a city centre site

Population and Human Health – Conclusion

- 9.5.14. A number of appellants and observers raise the impact of the construction phase on the existing retailing environment. The adverse impacts on existing Moore Street Market Traders and existing businesses in the vicinity during the construction phase in terms of reduced shopping amenity and disturbance is fully acknowledged and is regrettable. However, this, for a certain period, is a required compromise so to allow for the redevelopment of a strategic inner city centre site and for the proper planning and sustainable development of the area.
- 9.5.15. I have considered all of the written submissions made in relation to population and human health. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on population and human health.

9.6. Biodiversity

- 9.6.1. Chapter 6 addresses biodiversity. In addition an AA Screening Report accompanies the application. There is also an overlap with land, soil and water which are

addressed below. I recommend that the relevant sections be read in conjunction with each other.

Receiving Environment

9.6.2. The site is in a city centre location dominated by existing buildings and hardstanding. The EIAR sets out details regarding the existing environment in terms of flora and fauna. Bird, bat and habitat surveys were undertaken.

9.6.3. The site is not of significant ecological value.

9.6.4. In total, two passes of a single bat species was recorded during the dusk survey, likely commuting over the site to suitable foraging habitat. There is no evidence to indicate that the buildings are being used by bats.

In a 'Do Nothing' scenario there will be no change to biodiversity.

Predicted Effects

9.6.5. Construction runoff could result in pollution downstream via the existing surface water sewer.

9.6.6. There is the potential for temporary displacement of herring gull and pigeon habitat which can nest on roof tops during the construction phase.

Features and measures to avoid, prevent, reduce or offset likely significant adverse effects on the environment

9.6.7. The measures to be employed to protect ground and surface water which are detailed under the heading 'water' are relevant in terms of biodiversity. To avoid undue repetition I recommend that these sections be read in tandem.

9.6.8. The Construction and Demolition Management Plan which is included with the application, sets out the procedures, standards, work practices and management responsibilities of the appointed contractor to address potential negative environmental effects that may arise during construction.

9.6.9. Measures to prevent herring gulls nesting of the rooftops of the buildings may also be undertaken well in advance of breeding bird season.

Residential Impacts

9.6.10. None envisaged.

Biodiversity – Conclusion

- 9.6.11. I have considered all of the written submissions made in relation to biodiversity. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on biodiversity.

9.7. Land and Soil

- 9.7.1. Chapter 7 of the EIAR assesses the potential impact on land, soil and geology. Chapter 14 which addresses waste also deals with site clearance and the excavation phase. A Construction and Demolition Waste Management Plan is included in Appendix 14.1.

Receiving Environment

- 9.7.2. The site is a brownfield site completely covered by buildings/hardstanding and is primarily used for commercial purposes.
- 9.7.3. There was no evidence of significant contamination in soil samples.
- 9.7.4. In a 'Do Nothing' scenario there will be no change to land and soil within the site.

Predicted Effects

- 9.7.5. Removal of hardstanding and excavation of soil will expose subsoil to weathering and may result in the erosion of soils during adverse weather conditions. Surface water runoff from the surface of the excavated areas may result in discharges to the River Liffey.
- 9.7.6. Potential pollution from fuel spillages and escape to ground of silt and/or contaminated surface run-off.

Features and measures to avoid, prevent, reduce or offset likely significant adverse effects on the environment

- 9.7.7. Compliance with best practice measures detailed in the Construction and Demolition Management Plan.
- 9.7.8. Monitoring during construction in relation to adequacy of protection measures.

Residual Impacts

9.7.9. None anticipated.

Land and Soil – Conclusion

9.7.10. I have considered all of the written submissions made in relation to land and soil. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on land and soil.

9.8. Water

9.8.1. Chapter 8 of the EIAR addresses water with a Flood Risk Assessment accompanying the application.

Receiving Environment

9.8.2. The site is within Dublin north inner city. The site is served by combined foul and surface water sewers. Foul and surface water currently run uncontrolled/unattenuated from the site discharging to the existing combined network.

9.8.3. In a 'Do Nothing' scenario there would be no change in the current site discharges.

Predicted Effects

9.8.4. The construction period has the potential of pollution of groundwater and water courses by accidental spillages.

9.8.5. There will be an increase in demand for water during the operational phase and increased flow to the foul water system.

9.8.6. The proposal will result in a net reduction in the runoff volume through the introduction of SuDS devices and in the reduction in the runoff rate through the introduction of flow control devices and attenuation storage.

Features and measures to avoid, prevent, reduce or offset likely significant adverse effects on the environment

- 9.8.7. Compliance with best practice measures detailed in the Construction and Demolition Management Plan.
- 9.8.8. Surface water is to be attenuated and will be discharged to the public network at a controlled rate limited to 2l/s. This will minimise peak flows in the downstream system during major storm events. SuDS will also treat the surface water discharging to the public network removing pollutants.

Residual Impacts

- 9.8.9. No residual impacts are anticipated. There will be a water demand arising from the proposed development.

Water – Conclusion

- 9.8.10. I have considered all of the written submissions made in relation to water. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on water.

9.9. Air and Climate

Chapter 9 addresses climate in terms of air quality and climate change with the application accompanied by a Building Lifecycle Report and Energy and Sustainability Statement.

Receiving Environment

- 9.9.1. Dublin is within Zone A. The majority of the properties surrounding the application site are in commercial use with some residential along Moore Street. In view of the high level of tourism in the vicinity and sensitive users including the Rotunda hospital and hotels, the surrounding area is considered to be of high sensitivity in terms of dust soiling.
- 9.9.2. In a 'Do Nothing' scenario there would be no change in prevailing conditions in terms of air and climate.

Predicted Effects

- 9.9.3. Potential for dust nuisance during demolition and construction with potential for significant soiling within 100 metres.
- 9.9.4. The traffic assessment concluded that the predicted traffic increases would be significantly less than 5%. TII guidelines state that pollutant concentrations should be calculated at receptors located adjacent to roads where operational traffic increased by 5% or more. On this basis the traffic associated with the construction and operational phases would have imperceptible effects on air quality (NO₂, CO₂, and N₂O emissions).

Features and measures to avoid, prevent, reduce or offset likely significant adverse effects on the environment

- 9.9.5. A Construction and Demolition Management Plan and Dust Minimisation Plan have been drawn up which provides for site management, management and movement of trucks, site clearance and dust control measures.
- 9.9.6. Dust monitoring to be undertaken along the site boundary to nearby sensitive receptors.
- 9.9.7. The buildings will meet and exceed the NZEB (Nearly Zero Energy Buildings) requirements.
- 9.9.8. The development has set progressive targets for embodied carbon based on LETI (London Energy Transformation Initiative) targets for 2030. The buildings have benchmarked itself against Sustainability Assessments including BREEAM, LEED, WELL Building Standard and Passive House. At a minimum the scheme will adopt the principles of all.

Residual Impacts

- 9.9.9. It is predicted that there will be no significant air quality or climate impacts.

Air and Climate – Conclusion

- 9.9.10. I have considered all of the written submissions made in relation to climate. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and

through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on climate.

9.10. Material Assets

9.10.1. Chapter 13 of the EIAR addresses transportation with chapter 14 addressing waste.

9.10.2. The Board is advised that there is an overlap with the planning assessment in section 8.6 above. It is recommended that the sections be read in tandem.

9.10.3. In a 'Do Nothing' scenario there will be no change to material assets.

Receiving Environment

9.10.4. The site is within an area bounded by Henry Street to the south, Moore Street to the West, Parnell Street to the north and O'Connell Street to the east. A number of lanes traverse and provide access to the site. Moore Lane has one way southbound vehicular movements between Parnell Street and O'Rahilly Parade with two way movements between O'Rahilly Place and Henry Place. O'Rahilly Parade and Henry Place are two way. There is an existing car park accessed from Moore Lane with further parking at O'Rahilly Parade, and 51 O'Connell Street. Henry Street and the south end of Moore Street are pedestrianised, accessible to deliveries between 0600 and 1100. Deliveries take place all day on Moore Lane, O'Rahilly Parade and Henry Place. The area is serviced by quality public transport including bus and LUAS. There are cycle lanes on O'Connell Street and Parnell Street. The site is also in proximity to the proposed Metrolink with a station earmarked within the overall masterplan site.

9.10.5. The site is fully serviced in terms of utilities.

Predicted Effects

9.10.6. During the construction phase the worst case scenario is between 65 to 95 arrivals and 65 to 95 truck departures per working day with a peak of 12 truck arrivals and 12 truck departures in the AM peak hour between 0800 and 0900. These movements take account of the concurrent construction activities in each of the sites associated with the development of the overall masterplan site. These movements represent 1% of the existing traffic flow per hour each way on Parnell Street during the same period.

- 9.10.7. Two haul routes have been identified both via Parnell Street.
- 9.10.8. The volume of construction traffic and HGVs waiting on public roads could lead to vehicular delays.
- 9.10.9. Placement of hoarding and reduction in carriageway width on Parnell Street, Moore Street, Henry Street, O'Rahilly Parade, Moore Lane and Henry Place could lead to vehicular delays, restrict street trading and cause pedestrian delays.
- 9.10.10. Temporary closure of O'Rahilly Parade, Moore Lane and Henry Place to pedestrians could lead to additional walking times for pedestrians.
- 9.10.11. Additional vehicular movements associated with the operational phase of the development would be very low based on the absence of any car parking being provided within the site, minimal parking being provided in the overall scheme and the availability of quality public transport in the immediate vicinity. The greatest percentage would be delivery vehicles. For the overall masterplan site 17 AM peak hour (each way) and 2 PM peak hour (each way) are calculated of which sites 3,4 and 5 would account for 8 (each way) in the AM peak hour and 1 (each way) in the PM peak hour.
- 9.10.12. Waste materials arising from demolition and site clearance will require temporary storage pending collection.

Features and measures to avoid, prevent, reduce or offset likely significant adverse effects on the environment

- 9.10.13. A Construction Traffic Management to be implemented. This will require all deliveries and collections from the site to comply with the City Council requirements including the use of the designated HGV routes.
- 9.10.14. Traffic and other movements on the road network during the Construction Stage will be managed by carrying out the works in stages to a sequence to be prepared in conjunction with the City Council.
- 9.10.15. The appointed contractor will be required to maintain access along Moore Lane and Henry Place to existing properties at the times currently permitted by the City Council or as may otherwise be agreed with the property owners and the City Council.

- 9.10.16. A project specific Construction and Demolition Waste Management Plan has been prepared to ensure waste management and minimisation, reuse, recycling, recovery and disposal of waste material generated during the construction phase.
- 9.10.17. An Operational Waste Management Plan has been prepared.
- 9.10.18. Implementation of the Travel Plan for the overall masterplan site during the operational phase.
- 9.10.19. A Site Servicing Strategy has been prepared.

Residual Impacts

- 9.10.20. No residual impacts anticipated.

Material Assets - Conclusion

- 9.10.21. There is no question that due to the site constraints and location within a city centre site with a tight urban grain, that the construction traffic access and management will be a complex endeavour which will undoubtedly impact on the amenities of the area. A number of submissions to the appeal raise concerns regarding the impact on existing businesses and residents. Whilst I empathise with the local traders and residents as to the disruption that will arise and the potential for such works to be a deterrent to pedestrians and shoppers noting the experiences to date with other projects constructed in the vicinity including LUAS, this is not sufficient grounds on which to preclude the redevelopment of the site which forms part of a larger strategic site in north inner city Dublin. I note the concerns regarding the longer term construction period envisaged to realise the full extent of the masterplan site. At the time of writing of this report applications for sites 3, 4 and 5, only, are before the Board for assessment. I refer the Board to my assessment in terms of the duration of permission sought in this instance as set out in section 8.9 above and the relevant sections in the concurrent reports. Notwithstanding the construction phase will be temporary in duration. The control and monitoring of noise, vibration and dust on site is set out in section 7 of the Outline Construction and Demolition Management Plan prepared for Site 4. Conditions to address the issues arising would be standard protocol requiring the implementation of best practice.
- 9.10.22. The development of site 4 will not impact on the current servicing arrangements to adjoining businesses. The realisation of the overall masterplan development will

alter the arrangements but access will be retained. Alterations to access along city streets is not an uncommon scenario and requires key holders to adapt to changing circumstances.

- 9.10.23. I have considered all of the written submissions made in relation to material assets. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on material assets.

9.11. Cultural Heritage

- 9.11.1. Chapters 15 and 16 of the EIAR address cultural heritage – architectural and archaeological. The Board is advised that there is a significant overlap with sections 8.4 and 8.5 of the planning assessment above and they should be read in conjunction with each other.

Receiving Environment

- 9.12. The site which has a stated area of c 0.31 hectares comprises of two sections of a terrace of buildings fronting onto Moore Street to either side of the National Monument of Nos. 14-17 Moore Street. It is bounded by Moore Street to the west, Henry Lane to the south and Moore Lane to the east. The remainder of the terrace which forms part of Site 5 bounds the site to the north.
- 9.13. The sites comprises of Nos. 10-13 Moore Street and Nos. 18-21 Moore Street which are 2 and 3 storey red brick terraced units some with retail at ground floor. The upper levels appear to be vacant.
- 9.14. Nos. 6-7 Moore Lane are two storey buildings which are unoccupied. No. 15 Henry Place and No. 5A Moore Lane are two storey brick fronted buildings with Nos. 17-18 a single storey warehouse.
- 9.15. The red site boundary subject of the application includes two smaller areas to the north for the purposes of facilitating the construction phase. These include the demolition/removal of a length of 20th century boundary wall to Moore Lane at the

rear of Nos. 50-51, 52-54 Upper O'Connell Street and inclusion of part of a vacant site at No.14 Moore Lane.

9.15.1. A summary of each building within the site is provided in chapter 15 of the EIAR. There are no protected structures within the site. There are a number of proposed protected structures within the site.

9.15.2. In a 'Do Nothing' Scenario the site and buildings would remain unchanged with the possibility of deteriorating fabric and further dereliction with negative impacts in terms of the quality of the immediate and surrounding streetscape.

Predicted Effects

9.15.3. Potential effects on archaeology are likely to result from subsurface elements of the proposal such as the basement, as well as piled foundations and underpinning of existing structures.

9.15.4. Material demolition and significant interventions in the buildings on the site are proposed.

9.15.5. The proposal will alter the character and setting of the National Monument which are also protected structures in the vicinity of the site.

Features and measures to avoid, prevent, reduce or offset likely significant adverse effects on the environment

9.15.6. Following the demolition the site will be archaeologically tested with archaeological monitoring proposed.

9.15.7. Construction and Demolition Management Plan to be drawn up which will take into consideration the protection of retained structures within the site and those immediately adjoining in accordance with structural and conservation methodologies. Demolition to be undertaken on a phased basis.

9.15.8. The recording and measuring of each building will be further expanded prior to commencement of development.

9.15.9. All new buildings have been designed in a contemporary manner and will allow the existing historic buildings to be easily read within the new development.

9.15.10. Incorporation of appropriate measures to protect the National Monument in the Construction and Demolition management Plan. This will be further refined in

consultation with the OPW and the Department. Ministerial Consent will be sought for the expanded construction strategies.

Residual Impacts

- 9.15.11. The demolition of the buildings identified for same will result in an irreversible loss of fabric.
- 9.15.12. Removal and replacement of internal fabric in buildings to be retained will comprise a permanent loss of fabric.
- 9.15.13. The construction of the new buildings will all have long term visual impacts on the protected structures on adjacent sites.
- 9.15.14. The proposed development will alter the setting of the National Monument through the introduction of the new plaza and the new pedestrian link to be marked on Moore Street by the archway.

Cultural Heritage – Conclusion

- 9.15.15. All of the appellants and observers to the appeal consider the demolition and interventions to be unacceptable in terms of the impacts on cultural heritage. There is no dispute that the level of intervention is material. There are no protected structures within the site. Nos. 17-18 Henry Place, 10 Moore Street, 12 -13 Moore Street and 20-21 Moore Street are proposed protected structures.
- 9.15.16. The proposed development will result in the irreversible loss of built fabric. However the loss of this fabric is so as to allow for the development of an important site within the north inner city and will also allow for the refurbishment and meaningful reuse of the site and the buildings thereon opening it up to the public. The proposal could also act as a catalyst for further redevelopment and regeneration of the area. Regard is also had to the proposed re-use and integration of the structures into the proposal with regard had to the cultural heritage of the area which would have positive regenerative impacts with the works considered to be of high quality. Thus, on balance the proposed development is acceptable in terms of the cultural and built heritage of the site.
- 9.15.17. I have considered all of the written submissions made in relation to cultural heritage. I am satisfied that the potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and

through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on cultural heritage.

9.16. Landscape

- 9.16.1. Chapter 12 addresses landscape and is accompanied by a booklet of photomontages as amended by way of further information. In view of the context of this project within Dublin city centre 'landscape' effectively refers to the townscape. I would advise that there is a significant overlap with section 8.5 of the planning assessment above and I recommend that they be read in conjunction with each other.

Receiving Environment

- 9.16.2. I refer the Board to section 1 above in which a detailed description is given of the receiving environment. In summary the site comprises part of a terrace with frontage onto Moore Street. The site is to either side of the National Monument at 14-17 Moore Street.

Predicted Effects

- 9.16.3. 22 no. viewpoints were considered with respect to the potential visibility of the development of sites 3 , 4 and 5. These cover a range of locations and I consider the selection to be robust and sufficient to enable a comprehensive assessment to be undertaken.
- 9.16.4. Most townscape effects will be experienced in the immediate vicinity with the plaza introducing an open space which hereto does not exist.

Features and measures to avoid, prevent, reduce or offset likely significant adverse effects on the environment

- 9.16.5. The principal mitigation measures are inherent in the design of the scheme. The design has evolved through an iterative process having regard to the site's location within the townscape.

9.16.6. Residual Impacts

None.

Landscape – Conclusion

- 9.16.7. The appellants and observers to the appeal contest the appropriateness of the visual impact of the proposal. It is evident that the new build elements of the proposal are considered inappropriate by many in view of the cultural and heritage significance of the area. On this basis the conclusions in the EIAR as to the beneficial visual effects and amenity are disputed.
- 9.16.8. The design of the new build is sensitive to the retained component in terms of scale and finishes with the proposed arch introducing a new architectural feature to the Moore Street streetscape. It is considered that the streetscape can appropriately allow for such a new intervention. Undoubtedly the new plaza will result in significant visual change than hereto exists. This, of itself, does not render it unacceptable. It will allow for increased permeability throughout the area and increased visibility from O'Connell Street which would have a positive impact on footfall.
- 9.16.9. I submit that the proposal cannot be assessed in a vacuum without reference to the evolving and changing cityscape in the immediate vicinity. As an entity the cityscape has evolved. The city continues to evolve with recent developments of varying heights sitting alongside the older city fabric. It is within this evolving context that the development will sit.
- 9.16.10. I consider that the impact will be largely positive. I would also submit that the juxtaposition of the new and the old would provide for visual interest which would add to its visual attractiveness.
- 9.16.11. I have considered all of the written submissions made in relation to landscape. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on landscape.

9.17. Interaction of the Above and Cumulative Impacts

- 9.17.1. I have considered the interrelationships between factors and whether these may, as a whole, affect the environment, even though the effects may be acceptable when considered on an individual basis. The details of all interrelationships are set out in

Chapter 19 with Table 19.1 providing a matrix of the interactions. In my assessment of each environmental topic I have considered the likelihood of significant effects arising as a consequence of interrelationship between factors. Most interactions e.g. the impact of noise and air quality on the population and human health, cultural heritage and landscape are addressed under individual topic headings. I am satisfied that effects as a result of interactions can be avoided, managed and/or mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions. There is, therefore, nothing to prevent the approval for the development on the grounds of significant effects as a result of interactions between the environmental factors.

9.17.2. Cumulative impacts were assessed in each chapter of the EIAR with regard had to the developments on Sites 3 and 5 subject of concurrent appeals, the proposed development on the overall masterplan site and other developments in the vicinity. The impacts are summarised in Chapter 19. Consideration was given both to the construction and operational phases. I am satisfied that the cumulative assessment is robust and fully assesses the impacts of the current proposal in the context of other permitted and proposed developments and projects.

9.18. Reasoned Conclusion on the Significant Effects

9.18.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the applicant and submissions made by prescribed bodies to the application and the 3rd party appeals and observations received by the Board, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows.

Population and Human Health: Potential negative impacts on Moore Street Market and retail and commercial outlets in the adjoining area during the construction phase arising from the potential need for market traders to relocate or cease trading and the potential reduction in 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 which will include traffic management measures.

Positive impacts through the redevelopment of a brownfield and underutilised city centre site for employment and cultural spaces that will improve the townscape and visual setting in addition to job creation and spin off benefits.

Cultural Heritage: Adverse impacts arising from the demolition of built fabric. There will be positive impacts on the cultural heritage of this part of Dublin City arising from the restoration, extension and reuse of currently vacant or under-utilised buildings. Mitigation measures are detailed including specific measures for the buildings to be retained and refurbished

Landscape (Townscape and Visual Impact): The proposed development entailing modern design interventions and a new public plaza will have a material impact on the urban and visual character of the area. The juxtaposition of the new and the old would provide for visual interest.

Notwithstanding the conclusions reached in respect of the negative socio-economic impact of the construction phase on traders and businesses in the vicinity and demolition of the built fabric, it is considered that the environmental effects would not justify a refusal of planning permission having regard to the overall benefits of the proposed development.

10.0 Appropriate Assessment

Compliance with Article 6(3) of the Habitats Directive

- 10.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Background on the Application

- 10.2. The application is accompanied by an AA Screening Report prepared by Scott Cawley dated 05/05/21. It was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development.

- 10.3. The report concluded that the development would not give rise to any significant effects to designated sites.
- 10.4. Having reviewed the documents and submissions I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

Screening for Appropriate Assessment- Test of likely significant effects

- 10.5. The project is not directly connected with or necessary to the management of a European Site and, therefore, it needs to be determined if the development is likely to have significant effects on a European site(s).
- 10.6. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

Brief description of the development

- 10.7. The applicant provides a description of the project on pages 6-9 of the screening report. In summary, the development comprises the redevelopment of an inner city site entailing demolition of built fabric, retention of built fabric and new build to comprise of retail, café/restaurants, office, residential and open space. The scheme is to connect into public sewerage and water supply.

Submissions and Observations

- 10.8. Submissions to the appeal raise concerns as to the impact on nesting gulls and the potential for bats within the existing buildings on the site. Neither are qualifying interests of the European Sites referenced below.

European Sites

- 10.9. The development site is not located in or immediately adjacent to a European site. Figure 2 of the AA Screening Report sets out the 13 sites within 15km radius of the site. The qualifying interests for all 13 sites are available on npws.ie. Whilst detailed conservation objectives have been drawn up for some sites generic conservation objectives apply to others. The overall aim is to maintain or restore the favourable conservation condition of the identified qualifying interests.

10.10. There are no direct hydrological links between the site and the said European Sites.

The designated sites within the inner section of Dublin Bay, namely South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA are proximate to the outfall location of the Ringsend WWTP and could, therefore, reasonably be considered to be within the downstream receiving environment of the proposed development. On this basis these sites are subject to a more detailed Screening Assessment.

10.11. I am satisfied that the potential for impacts on all other Natura 2000 Sites can be excluded at the preliminary stage due to the separation distances between the European sites and the proposed development site, the nature and scale of the proposed development, the absence of relevant qualifying interests in the vicinity of the works, the absence of ecological and hydrological pathways and to the conservation objectives of the designated sites.

South Dublin Bay and River Tolka Estuary SPA (004024) - c.2.3 km to north east of site

Conservation Objectives – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.
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Qualifying Interests/Species of Conservation Interest: Light-bellied Brent Goose / Oystercatcher / Ringed Plover / Grey Plover / Knot / Sanderling / Dunlin / Bar-tailed Godwit / Redshank / Black-headed Gull / Roseate Tern / Common Tern / Arctic Tern/ Wetland and Waterbirds
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South Dublin Bay SAC (site code 000210) - c. 3.5 km to south east of site.

Conservation Objectives - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
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Qualifying Interests/Species of Conservation Interest: Mudflats and sandflats not covered by seawater at low tide / Annual vegetation of drift lines / Salicornia and other annuals colonising mud and sand / Embryonic shifting dunes

North Dublin Bay SAC (000206) – c. 5.3km north east of site
Conservation Objectives - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
Qualifying Interests/Species of Conservation Interest: Mudflats and sandflats not covered by seawater at low tide / Annual vegetation of drift lines / Salicornia and other annuals colonising mud and sand / Atlantic salt meadows / Mediterranean salt meadows / Embryonic shifting dunes / Shifting dunes along the shoreline with <i>Ammophila arenaria</i> / Fixed coastal dunes with herbaceous vegetation (grey dunes) / Humid dune slacks / Petalwort

North Bull Island SPA (site code 004006) - c. 5.3km to north of site
Conservation Objectives – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
Qualifying Interests/Species of Conservation Interest: Light-bellied Brent Goose / Shelduck / Teal / Pintail / Shoveler / Oystercatcher / Golden Plover / Grey Plover / Knot / Sanderling / Dunlin / Black-tailed Godwit / Bar-tailed Godwit / Curlew / Redshank / Turnstone / Black-headed Gull / Wetland and Waterbirds

10.12. Identification of Likely Effects

- There is nothing unique or particularly challenging about the proposed urban development, either at construction phase or operational phase.
- There are no watercourses in the vicinity of the site.
- During the construction phase, standard pollution control measures would be put in place. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay from surface water runoff can be excluded given the

distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Dublin Bay (dilution factor).

- The scheme includes attenuation measures which would have a positive impact on drainage from the subject site. SUDS are standard measures which are included in all projects and are not included to reduce or avoid any effect on a designated site. The inclusion of SUDS is considered to be in accordance with the Greater Dublin Strategic Drainage Study (GDSDS) and are not mitigation measures in the context of Appropriate Assessment.
- The site is to connect to the existing public sewer and water supply. The foul discharge from the proposed development would drain, via the public network, to the Ringsend Waste Water Treatment Plant. It is noted that Ringsend WWTP is currently working at or beyond its design capacity. The subject site is identified for development through the land use policies of the Dublin City Development Plan. This statutory plan was adopted in 2016 and was subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I also note the development is located in the urban area on serviced lands and the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and the facility is subject to EPA licencing (D0034-01) and associated Appropriate Assessment Screening. It is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge at Ringsend WWTP, and thus its impact on the overall discharge would be negligible. It is also noted that the planning authority and Irish Water raised no concerns in relation to the proposed development.
- The site is within an existing urban area, is developed and does not support habitats of ex-situ ecological value for the qualifying interest species of the SPAs. On this basis and having regard to the separation distance, the potential for significant impacts on birds that are qualifying species of the European Sites due to disturbance / displacement can be screened out.

- Bats are not a qualifying interest of any of the European Sites.

In combination effects

10.13. In combination effects takes into consideration a number of projects in the vicinity including the development of the wider *Dublin Central Development* site. It concludes that there will not be any in combination effects on the European sites discussed.

Mitigation Measures

10.14. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

Screening Determination

10.15. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project, individually or in combination with other plans or projects, would not be likely to give rise to significant effects on European Site Nos. 004024, 000206, 004006 and 000210 or any other European site, in view of the sites' Conservation Objectives and Appropriate Assessment (and submission of a NIS) is not, therefore, required.

11.0 Recommendation

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

12.0 Reasons and Considerations

The Board had regard to:

- (a) the National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018, 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 to promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target of 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs.
- (c) the Architectural Heritage Protection Guidelines for Planning Authorities, 2011,
- (d) the site's location in Dublin City Centre on lands with zoning objective Z5 which seeks 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 character and pattern of existing and permitted development in the area
- (f) the layout, form, mass, height, materials, finishes, design detail, and the public realm provision and enhancements,
- (g) the Environmental Impact Assessment Report submitted,
- (h) the appeals and observations made in connection with the planning application, and
- (i) the report of the Inspector

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 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 Inspector's report.

The Board considered that the Environmental Impact Assessment Report, 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 and associated documentation submitted by the applicant and submissions made in the course of the application.

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 negative impacts on existing Moore Street Market Traders and retail and commercial outlets in the adjoining area during the construction phase arising from the potential need for market traders to relocate or cease trading and the potential reduction in 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 which will include traffic management measures.

Positive impacts through the redevelopment of a brownfield and underutilised city centre site for employment and cultural spaces that will improve the townscape and visual setting in addition to job creation and spin off benefits.

Cultural Heritage: Adverse impacts arising from the demolition of built fabric. There will be positive impacts on the cultural heritage of this part of Dublin City arising from the restoration, extension and reuse of currently vacant or under-utilised buildings. Mitigation measures are detailed including specific measures for the buildings to be retained and refurbished

Landscape (Townscape and Visual Impact): The proposed development entailing modern design interventions and a new public plaza will have a material impact on the urban and visual character of the area. The juxtaposition of the new and the old would provide for visual interest.

Notwithstanding the conclusions reached in respect of the negative impact of the construction phase on traders and businesses in the vicinity and demolition of the built fabric, it is considered that the environmental effects would not justify a refusal of planning permission having regard to the overall benefits 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.

Proper Planning and Sustainable Development:

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

- would secure the redevelopment of strategic, under-utilised urban land in a prominent city centre location and would assist in the re-development and rejuvenation of this part of Dublin City Centre in accordance with the policies and objectives of the current Dublin City Development Plan,
- would be consistent with national, regional and local policy measures and guidance which seeks to secure more compact and higher density development in city centre areas,
- would make a positive contribution to the urban character of the area,
- 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 Nos 14-17 Moore Street, the proposed Protected Structures within the site and Protected Structures and proposed Protected Structures in the vicinity.

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

13.0 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 submitted on the 19th day of October 2021, 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. All mitigation and monitoring commitments identified in the Environmental Impact Assessment Report (and summarised in Chapter 18) 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 clarity and protection of the environment during the construction and operational phases of the proposed development.

3. The period during which the proposed development hereby permitted may be carried out shall be five years from the date of this order

Reason: Having regard to the nature of the proposed development, the Board considered it reasonable and appropriate not to specify a period of the permission not in excess of five years.

4. The proposed archway shall be as per the 'preferred option' as set out in elevation drawing 1-1' (Drawing No. DC-ACM-04-ZZ-DR-A-40-1310 P01) received by the planning authority on the 20th day of October 2021.

Reason: In the interest of visual amenity.

5. A revised landscaping plan shall be submit for the written agreement of the planning authority prior to commencement of development and shall include:
- (a) The boundary treatment between Moore Lane and the new public plaza shall be delineated by means of changes in surface treatment and street furniture,
 - (b) Delineation of historic plots and boundaries that have been removed.
 - (c) Street furniture and lighting

Reason: In the interests of visual amenity and to retain the delineation of existing street patterns.

6. Details of the proposed boundary of the new public plaza until the public space is completed on development of the site to the north shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of visual amenity.

7. All materials, colours and textures of the external finishes to the proposed buildings shall be in accordance with the Architectural Design Statement received with the planning application, as amended by the further plans and particulars submitted on the 20th day of October 2021. 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.

8. Prior to commencement of development, the developer shall provide for the following:

- (a) The appointment of a conservation expert who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.
- (b) All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

9. The complex of buildings and associated historic features on the site shall be recorded and documented to a detailed form and level to include a written account and visual record to include measured plans, sections, elevations (scale 1:100), fixtures of significance, construction materials and any earlier interventions. The plans, sections, elevations and architectural details are to be cross referenced to a photographic record and locations of detailed features. Copies of all recording material, condition reports and demolition processes relating to the buildings shall be lodged with the Irish Architectural Archives on completion of the works.

Reason: In the interests of conservation and the proper planning and sustainable development of the area.

10. The developer shall agree in writing with the Department of Housing, Local Government and Heritage all measures to protect the National Monument at Nos. 14-17 Moore Street including extent of temporary exclusion zones if required. A copy of the agreement shall be submitted to planning authority prior to commencement of development.

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

11. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
 - (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- i. the nature and location of any archaeological material on the site, and
- ii. the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of

agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

12. 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: To protect the visual amenity of the area.

13. Water supply and drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

14. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

15. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

16. 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 noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

17. Construction and demolition waste shall be managed in accordance with a construction waste 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 be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

18. A detailed Service Strategy Plan which shall include details of its implementation and monitoring shall be submitted to the planning authority for written agreement prior to commencement 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 strategy plan required following the review shall be agreed in writing with the planning authority,

Reason: To ensure adequate servicing of the development.

19. Prior to the opening of the development a Mobility Management Plan 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, walking and carpooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company for all the units within the development.

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

20. 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. All existing over ground cable shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

21. Prior to the commencement of development the developer shall submit to and agree in writing with the planning authority a plan containing details for the management of waste (and in particular recycle materials) within the development including the provision of facilities for the storage, separation and collection of the waste and in particular recyclable materials for the on-going operation of the development. No raw materials, finished or unfinished product or parts, crates, packaging materials or waste shall be stacked or stored on the site at any time except within the curtilage of the buildings or storage areas as may have been approved beforehand in writing by the planning authority.

Reason: To provide an appropriate management of waste and in particular recyclable materials in the interest of protecting the environment and in the interest of the amenity of the area.

22. Any alterations to the public roads or footpaths shall be in accordance with the requirements 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 interest of clarity, public safety and amenity.

23. Proposals for development names, 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.

24. 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.

25. The developer shall control odour emissions, including extract ducting and ventilation, from the restaurant and café units in accordance with measures which shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the units.

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

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

Reason: In the interests of amenity and public safety.

27. Details of all external signage shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the relevant unit.

Reason: In the interest of amenities of the area and visual amenity.

28. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

29. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including signs installed to be visible through the windows), advertisement structures, banners, canopies, flags or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site unless authorised by a further grant of permission.

Reason: To protect the visual amenities of the area.

30. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for

and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

31. Prior to commencement of development, the developer shall lodge with the planning authority cash deposit, a bond of an insurance company, or other secure the provision and satisfactory completion of roads, footpaths, watermains, drains and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. 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 ensure the satisfactory completion of the development.

32. The developer shall pay to the planning authority a financial contribution in respect of the 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.

33. 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.

Pauline Fitzpatrick
Senior Planning Inspector

October, 2022