



An
Bord
Pleanála

Inspector's Report ABP 313947-22

Development	Mixed use scheme of office, café/restaurant uses, public plaza and ancillary works.
Location	Nos. 22-25 Moore Street, Nos. 13-14 Moore Lane and Nos. 14-15 Moore Lane
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2863/21
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. Moore Street Traders Committee2. Moore Street Preservation Trust3. Diarmuid Breatnach4. Troys Family Butchers Ltd.5. Colm O'Murchu

6. Mary Lou McDonald TD
7. The 1916 Relatives Moore Street Initiative
8. Relatives of The Signatories to the 1916 Proclamation
9. Sinn Fein Group on Dublin City Council (new)
10. Dublin Central GP Ltd.

Observer(s)

1. Cllr Donna Cooney
2. Moore Street Preservation Society
3. Ray Bateson
4. Clíodhna NicBhranair
5. Harry Connolly
6. Gerry Adams
7. DMOD Architects
8. Sean Crowe TD.
9. Elizabeth Troy
10. Aengus Ó Snodaigh TD
11. An Taisce

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 5.
- 1.2. The two concurrent appeals with the Board are for Sites 3 and 4 as delineated in the masterplan. File refs. ABP 312603-22 (2861/21) and ABP 312642-22 (2862/21) refer respectively.
- 1.3. 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 0.18 hectares (gross), is rectangular in shape and comprises the northern most section of a city block at the end of Moore Street Terrace. It includes Nos. 22-25 Moore Street and Nos. 13-14 Moore Lane (otherwise known as 1-3 O'Rahilly Parade).
- 2.2. It is bounded to the north by O'Rahilly Parade (formerly known as Sackville Lane), Moore Lane to east, the remainder of Moore Street Terrace to the south and Moore Street to the west.
- 2.3. The existing buildings on site are 2 and 3 storeys high and comprise of retail, warehousing and workshops in addition to a Dublin City Council street cleaning depot and associated offices.
- 2.4. The lands to the north on the other side of O'Rahilly Parade have been redeveloped with retail at ground floor level and a hotel above. The building mirrors the height of

Greeg Court apartment complex (over retail) on the opposite side of the road which ranges in height from 5 to 8 storeys. The lands on the opposite side of Moore Lane comprise of a vacant site to the rear of Nos. 50 and 51 O'Connell Street and surface car park areas which form part of the Moore Lane Car Park.

- 2.5. Moore Street is occupied by the Moore Street Market with traders' stalls flanking both sides of the road. The western side of Moore Street has undergone material change arising from redevelopments including the above mentioned Greeg Court apartment complex and the Ilac shopping centre.

3.0 Proposed Development

- 3.1. The application is accompanied by two suites of documents. The 1st relates to the masterplan for the overall *Dublin Central Development* site and the 2nd to the proposed development of the subject site (Site No. 5 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** following a request for further information dated 28/07/21 with revised public notices submitted 09/11/21. Clarification of further information was received **29/04/22** following a request for same dated 13/01/22

- 3.3. As amended the proposal entails –

Demolition of all existing buildings and structures on the site

New 2-6 storey building with the top floor set back with a gross floor area of 6,478 sq.m. providing for a mix of uses comprising:

- 3 no. licenced restaurant/café units with takeaway/collection facility at ground floor level
- Offices – (5753 sq.m.) on 1st to 5th floors with office lobby at ground floor level and 3 terraces at 2nd, 3rd and 5th floor levels
- Part of new public plaza (168 sq.m.)
- 58 no. bicycle parking spaces
- Plant at basement and roof level
- Delivery Hub

3.4. A 15 year permission is being sought.

3.5. A request for further information was made on the 28/07/21 seeking details on:

- Extent of duration of permission sought
- Sunlight and Daylight Analysis
- Fenestration details
- 3D model
- Cycle parking

A clarification of further information was made on the 13/01/22 seeking details on Sunlight and Daylight Analysis.

3.6. 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
- 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
- Letter from Irish Aviation Authority
- Letter of support from Transport Infrastructure Ireland
- Letter of no objection from Dublin City Council to the lodgement of the application in respect of lands comprising 24-25 Moore Street, 1-3 O’Rahilly Parade and 14-14 Moore Lane.

4.0 Planning Authority Decision

4.1. Decision

Grant permission for the above described development subject to 32 conditions. Of note:

Condition 5: Duration of permission shall be for 7 years.

Condition 6 (a) revised drawings showing a higher quality design to O’Rahilly Parade elevation to be agreed.

(b) Internal layout at ground floor level to be reconfigured to provide an entrance to café/restaurant no.2 from O’Rahilly Parade.

(g) revised fenestration to Moore Street

Condition 9 (a) details of boundary treatment between the new public space and the adjoining site to the south (site 4) for the interim period between completion of development on the two sites.

Condition 10: restaurants shall be seated restaurants and any takeaway or delivery element shall be ancillary.

Condition 14: during construction the developer shall ensure the protection of Moore Street markets as far as is practicable and provide support and liaise with the market traders and representatives where ongoing trading is no longer possible or construction works necessitate relocation of the market.

Condition 15: conservation requirements.

Condition 16: requirements for protection of National Monument and archaeology.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The **1st Planner's** report dated **28/07/21** notes:

- The site coverage is 76% and plot ratio is 4.05. Given the central location, height of buildings on adjoining sites and public transport in close proximity a plot ratio higher than the indicative figure in the development plan is considered acceptable.
- The provision of a 15 year duration for permission is not acceptable.
- The building height at 28.040 metres is considered acceptable in the context of the development plan provisions on maximum specified heights.
- The proposal in terms of height and massing would be in keeping with the existing and developing built context and does not give rise to an unacceptable or overbearing impact upon adjoining development.
- The overall appearance of the proposal alongside the developments proposed to the south as a single design piece remains unclear with limited details submitted to illustrate the combined acceptability. A 3D model required.
- The new structure is very much a contemporary modern office building which is noted to be a step change from the standard historical red brick finishes

used in the locality. This contrast clearly distinguishes new interventions from historic.

- The proposed ground floor of O’Rahilly Parade is more utilitarian than other elevations. The treatment would facilitate servicing, refuse and cycle stores. This approach would be in keeping with the wider masterplan which identifies it as a servicing street. A condition requiring the omission of the proposed recessed area to serve a switch room and stairs recommended to remove potential for anti-social behaviour.
- The Daylight, Sunlight and Overshadowing Report has not satisfactorily demonstrated that the potential impact on surrounding development is acceptable.
- The survival of the historic boundary wall between nos. 23 and 24 is noted and is considered to be of moderate significance. Its loss, albeit regrettable, is deemed acceptable.

A request for further information recommended.

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

- It is considered that the granting of a 15-year duration would effectively result in an open-ended permission which is unacceptable. There are serious concerns that the delivery of the development relies on the successful completion of all other sites. A 7 year permission is considered reasonable.
- The applicant has not provided an assessment of the potential reduction on the levels of daylight to the residential properties located on the corner of Moore Street and Parnell Street.

Clarification of further information recommended.

The **3rd Planner’s** report dated **23/06/22** following clarification of further information notes:

- The 5-storey parapet height of the new building would be in keeping with the height of surrounding buildings including the mixed-use building incorporating Jurys Inn on the northern side of O’Rahilly Parade and the 5 to 8 storey building on the western corner of Moore Street and Parnell Street. The 6 storey element is set back from the corner with Moore Street. Having regard

to the surrounding context, the proposed 4 storey height is considered appropriate on the corner.

- The issue of sunlighting and daylighting has been addressed.
- High quality design to O’Rahilly Parade will be required.

A grant of permission subject to conditions recommended.

4.2.2. Other Technical Reports

1st City Archaeologist’s report dated **19/07/21** 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 **06/07/21** has no objection subject to conditions.

1st Conservation Officer’s report dated **26/07/21** notes:

- Survey of road and pavement surfaces, where visible, required.
- The proposed demolition of Nos. 22-25 Moore Street is of little consequence in architectural heritage terms, other than the aspects of sustainability and the final loss of any references to the original historic plots and urban grain of the street.
- The demolition of the historic boundary wall between Nos. 23 & 24 should be fully recorded and materials salvaged and reused.
- The corners along Henry Place to be respected and it is recommended that the existing eastern corner buildings remain in place, as this vista looking north along Moore Lane towards the Rotunda Hospital and Presbyterian Church is compelling and particularly resonates within the context of the 1916 Battlefield.
- The height, scale and massing of the proposed new interventions in the northwest corner are relatively sympathetic to the Moore Street streetscape, although the proposed brick facades belie the open plan arrangement behind them. The authenticity of this approach is questionable.

- The encroachment of such large buildings which represent a complete departure from the variety, animation and density offered by the historic plots is problematic in architectural conservation terms.
- The applicant should be requested to consider how the inanimate elevation to O’Rahilly Parade can be mitigated.
- The façade treatment is unlikely to mitigate against the scale of the building or its essentially monolithic box-like form.
- Further consideration is required to ensure that the proposed double glazed aluminium fenestration within the brick buildings on Moore Street and O’Rahilly Parade demonstrates a high level of refinement and quality.
- Clarification of discrepancies between photomontages and elevation drawings.

Further information recommended.

The **2nd Conservation Officer’s** report dated **05/01/22** following further information notes:

- The fixed ground floor shopfronts appear proportionally squat in relation to the upper portions of the facades and the adjoining shopfronts in Nos. 20 and 21. This should be revised.
- The provision of only 1 no. entrance along the west façade onto Moore Street into café/restaurant no. 03 would affect the animation of this façade.
- The significance of O’Rahilly Parade in The 1916 Rising must be respected.
- The proposed delivery hub space opening off O’Rahilly Parade as indicated would have a significant impact on the available floor layout for the Moore Street café/restaurant 03 and should be realigned/reduced in size, if possible, to improve the café/restaurant space.
- The variety of fenestration types on the upper levels across these three elements of the brick façade onto Moore Street in the further information submitted is peculiar and inharmonious. Reconsideration recommended.
- The setback of the upper levels cannot disguise the jump up in scale. The rippling/undulating southern façade formed by vertical stone fins along the

aluminium curtain wall glazing system is unlikely to mitigate against the scale of the building or its essentially monolithic box-like form, which will frame and overlook the new public space.

- The black painted glass on the southern elevation should be avoided.
- The animation and accessibility from the street of the northeast corner (café/restaurant no.01) is of concern. All entrances are focussed on the southern end of the space.
- The proposed placement of bicycle stores for tenant fit out is unsatisfactory in spatial terms.

A grant of permission subject to conditions recommended.

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

- Revised plans showing type of bicycle parking to be provided and access to same.

Further information recommended.

2nd report from Transportation Planning Division dated **05/01/22** following further information considers the details provided on bicycle parking to be acceptable. No objection to the proposal 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.

4.3. Prescribed Bodies

Transport Infrastructure Ireland in a letter dated **01/07/21** states that the applicant should ensure there is no adverse impact on Luas operation and safety and will require a works permit. A Construction Traffic Management Plan to be submitted, subject to written agreement of TII. 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 **15/11/21** following further information states that its position remains the same.

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) demolition of c.1918 redbrick and limestone Moore Street building frontage between the corner of Henry Street and Henry Place; (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.

Faile 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.

Irish Water in a report dated **13/07/21** recommends further information requiring the applicant to liaise with it to determine the requirements for the proposed abandonment of the foul sewer than runs through the site.

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 reports on file.

I note the following 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.

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)
- 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 of the Metropolitan Area.

6.3. Local Planning Policy

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.

6.3.1. Enterprise

The relevant policies with respect to the city economy and enterprise are CEE1-EE5, CEE11, CEE15-16, CEE18, CEE22

Of note:

CEE11: To promote and facilitate the supply of commercial space, where appropriate, e.g. retail and office including larger floorplates and quanta suitable for indigenous and FDI HQ-type uses, as a means of increasing choice and competitiveness, and encouraging indigenous and global HQs to locate in Dublin; to consolidate employment provision in the city by incentivising and facilitating the high-quality re-development of obsolete office stock in the city

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.

6.3.2. *Cityscape*

The relevant policies with respect to Shape and Structure of the City are SC7, SC16, SC17, 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.

SC17 – to protect and enhance the skyline of the inner city and to ensure that all proposals for mid-rise and taller buildings make a positive contribution to the urban character of the city in particular all new proposals must demonstrate sensitivity to the historic city centre.

6.3.3. *Conservation*

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

Of note:

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.

The site is adjacent to the O'Connell Street and Environs ACA.

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.

CHC5 – to protect Protected Structures and preserve the character and setting of ACAs. The City Council will resist the total or substantial loss of:

- Protected structures in all but exceptional circumstances (and will require the strongest justification, including professional input with specialist knowledge so that all options receive serious consideration)
- Non-protected structures which are considered to make a positive contribution to the character and appearance of an ACA, unless it can be demonstrated that the public benefits of the proposals outweigh the case for the retention of the building.

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.

6.3.4. *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. The 1916 Relatives Moore Street Initiative

The submission can be summarised as follows:

- The development would have a detrimental impact on the historical and cultural significance of the area. The significance of the entire Moore Street terrace is incalculable. O'Rahilly Parade is of paramount importance and must be left intact.
- Permission has been granted before the completion of the surveys of the buildings and structures on Moore Street which have been requested for the past two decades.
- Ministerial Consent is required for works in proximity to the National Monument.
- The application runs contrary to the principles of the Venice Charter.

- Breaches of planning law arising.

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:

- It would seem, based on the permission sought, that the street market trading will have to cease for a considerable period of time and may possibly lead to the end of the street market on Moore Street. The applicant did not reference the cessation of the Moore Street Market in the project description.
- The relocation of the market would present a significant problem for traders and the continuity of service to their customers.
- Condition 14 should be maintained and improved should the Board decide to grant permission. Whilst helpful it is insufficient to provide protection. It is weakened by the phrase 'as far as practicable'. Mandatory and enforceable conditions which would protect their livelihood or ensuring adequate compensation are required.
- The duration of permission for 7 years does not prevent the developer seeking a time extension under section 42 of the Planning and Development Act, 2000, as amended. The developer should be required to get the appellants' agreement prior to making an application for a time extension or a condition should be attached preventing the developer from making use of section 42.

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 Council granted permission before the survey reports required on foot of the vote of the City Councillors to add 10 to 25 Moore Street to the list of protected structures were completed and scrutinised.
- Nos. 22-25 Moore Street should not be demolished.

- 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.
- Proposal would result in the demolition of a late 18th century southern boundary wall to the rear of the existing Dublin City Council depot.
- The proposal will have a detrimental impact on the vicinity including Moore Street, Moore Lane and O'Rahilly Parade where there will be a significant degree of change.
- Any development relating to O'Rahilly Parade must be sensitive to its place as three Volunteers were killing in action here. The north facing elevation fails to respect the historical importance.
- The proposal will have a detrimental impact on the area including the laneways due to its overall scale relative to the low scale Moore Street terrace. The importance of the laneways and non-protected buildings cannot be undermined. The development, inclusive of the large scale demolition of buildings, would have a negative impact on what should be a 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.
- 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 number of questions remain unanswered as evidenced by the condition addressing archaeology.
- The Council should oversee all aspects of the site including archaeology and conservation.
- 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.
- The proposal contravenes development plan policies SC17, SC25, SC26, SC29 and SC30.
- The integrity of the lanes must be protected, the lines kept intact and cobblestones and curbs uncovered and repaired. A comprehensive survey of the historical street surfaces is required prior to a grant of permission.
- There is a lack of recognition of the importance of the National Monument. There is no reference to the requirement for Ministerial Consent.
- The applicant's final design for Moore Street, overall, is unknown.
- The further information ignores the findings of the Shaffrey/Myles report which identifies surviving pre-1916 built fabric visible from the public realm.
- The most sustainable approach would be restoration and reuse to reduce carbon emissions.

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

Access and Traffic

- Construction access and arrangements are deficient and problematic. The applicant could facilitate access from O'Connell Street.
- Will impact on emergency journeys to the Mater and Rotunda hospitals.
- Traffic management plan is required.
- Insufficient details provided on traffic and access. Up to date traffic surveys should be undertaken.
- The only way to execute the project and to avoid future legal challenges is by having full access to the street as a construction compound which would result in the project being completed in a more cost efficient and timely manner.
- Narrowing of footpaths contrary to development plan provisions.
- Delivery arrangements during operational phase will be problematic.
- Loss of car park on Moore Lane is disappointing and will have an adverse impact.
- The proposed Metrolink has not yet secured a Railway Order.

Procedural and Other Issues

- The building is unattractive and poorly designed.
- Nos. 24-25 are in the City Council's ownership. They can only be disposed of by agreement of City Councillors under a Section 183 disposal order.

- The piecemeal approach to the development of the overall site is inappropriate. The lodgement of several applications is unfair and interferes with citizens' rights.
- Only the local authority can develop a masterplan.
- The plaza is to be divided across two planning applications which is inappropriate.
- The revised public notices do not make reference to the model submitted. Notices lack the required detail including extent of demolition works. The description is inaccurate as it would have a height of 7 storeys.
- The model includes development permitted at Jervis Street not yet constructed. Its inclusion distorts the context.
- The EIAR lacks sufficient detail on extent of demolition, architectural, archaeological and cultural heritage.
- 3D model and full streetscape drawings should be requested. The landscape visual impact assessment is insufficient.
- The grant of permission is subject to planning conditions which require details to be agreed which excludes public participation.
- Adverse impact on Moore Street market and independent businesses on Moore Street. Condition 14 passes the problem to the developer and is inappropriate. It would completely change the street market character of Moore Street.
- Impacts of extended construction period on traders are understated.
- The 15-year duration of permission is unacceptable.
- Issues of daylight and sunlight have not been adequately addressed.
- All roof plant should be minimised.
- Application makes little contribution to the concept of 'day to night' in the area.
- The proposal is too close to the site boundary which is contrary to BRE advice and will severely impact on food businesses and market traders in the vicinity.

- No letter of consent from City Council permitting interference with and development of streets, lane and footpaths in public ownership.
- The building will overshadow the balconies in Greeg Court and retailers at ground floor level.
- The reduced demand for retail and office space post Covid may become permanent.
- The impact of construction and demolition on air quality and noise have not been properly assessed.
- Issues arising in terms of the planning authority's online system and period available for lodgement of the appeal.

7.1.4. 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 construction phase will have catastrophic impacts on independent businesses.
- 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 14 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.
- 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.
- The Greeg Court apartments and O'Rahilly Parade and Monument will be overshadowed and will result in loss of amenity
- The sunlight analysis is flawed.
- The applicant has failed to explain how site 5 is to be constructed and where the construction contingencies will be relocated.
- No permission should be given that exceeds the standard 5 year limit. A longer duration could set an undesirable precedent.

- The impacts of the proposal are understated considering the loss of trade on Moore Street that will occur.
- Major concerns regarding noise pollution. The Board's condition attached to ABP 303566-18 is more appropriate and is enforceable.
- The planning authority failed to consider the impacts to mental health of independent store traders.

Access and Traffic

- A more detailed traffic management plan should have been required.
- The traffic management plan accompanying the application 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.
- His premises will be subject to continuous construction traffic.
- The construction vehicular figures do not include other construction lorries accessing other site compounds nor does it take into consideration large delivery vehicles servicing Moore Street, O'Rahilly Parade, Moore Lane, Henry Place and Sampson's Lane.
- 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 by the applicant as a 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.

- The temporary junction widening to the front of his premises for construction vehicles will make it unsafe for pedestrians and customers. His premises has a sun awning which borders the footpath.
- There is no space to widen the junction on the adjacent footpath at O'Rahilly Parade.
- There are no provisions for dirt or debris falling from the lorries stacking at his premises.
- 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 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.
- The egress route via Moore Lane is regularly congested. This will have a knock on impact.

- It is queried whether the curtailment in the duration of permission by condition impacts on the projected traffic movements. A revised traffic plan is required.
- 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 its 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. The Department of Heritage in its submission called for their retention.
- 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.
- The concerns expressed by the Department of Housing, Local Government and Heritage have been ignored.

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 15 year time frame is inappropriate. No business would survive.
- The proposal to seek 6 separate permissions for the overall site is queried.
- Site 5 is still in the ownership of the City Council.
- 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.
- Issues arising in terms of discussions/consultations on and the local authority's role in a proposed compensation scheme.

7.1.5. Diarmuid Breathnach on behalf of Save Moore Street from Destruction Campaign Group

The submission can be summarised as follows:

Cultural and Built Heritage

- The proposal destroys a site of historical significance and arguably of world historical heritage importance.
- O'Rahilly Parade will be overshadowed and the monument to Michael O'Rahilly will be adversely impacted.
- The proposal will have an adverse impact on the skyline.

- The proposal would be contrary to the wishes of the public and the City Councillors.

Impact on Adjoining Property

- The businesses along Moore Street will be wiped out or seriously affected. They are unlikely to return.

Procedural and Other Issues

- In view of the applicant saying that a 7 year permission is insufficient the logical response is to refuse permission.
- Issues arising in terms of a proposed compensation scheme.

7.1.6. 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 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. The height should be limited to four storeys.
- The proposed office block will have an adverse visual impact on the National Monument and the iconic terrace.
- It will overshadow residential and commercial units at Moore Street and Greeg Court apartment block.

Other Issues

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

7.1.7. 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 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.

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.
- Due to the excessive office space and demolition of the north inner city's historic core it is not possible for the development to meet the zoning objectives.

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.
- No reference was made to the architectural model on public display. The model was required by further information.

7.1.8. Relatives of The Signatories to the Proclamation of the Irish Republic

The submission can be summarised as follows:

Cultural and Built Heritage

- The historic and cultural significance of the area is of paramount importance.
- Demolition is contrary to the wishes of Dublin City Councillors who voted to add Nos.10 to 25 Moore Street to the list of protected structures.
- The demolition removes the footprint that existed 100 years ago and thus renders meaningless the context and setting of the National Monument.
- The proposed demolition of buildings and structures that have yet to be independently assessed or surveyed cannot be sanctioned in the public interest.
- The proposal will result in appropriation and invasion of the curtilage of the National Monument and protected structures. No Ministerial Consent for works in proximity to the National Monument accompanies the application.
- It does not reflect or adequately recognise Moore Street as a place that is of special architectural, historical, archaeological, artistic, cultural, social or technical interest in terms of ACA.
- The proposal will interfere with the line of streets and lanes that formed the excavation routes of The 1916 volunteers.
- There is a notable failure in recognising the survival of the original 1760s building plots and their boundary/party walls, particularly in the lands to the rear of the Moore Street Houses. The removal of entire plot lines will result in development out of context with the National Monument contrary to Venice

Charter principles and accepted International guidelines on the protection of history and heritage.

- The manner in which commemoration has been conceptually addressed for Moore Street is problematic.
- The proposal suggests a significant lack of awareness or understanding of the relevant ICMOS Conservation Charters including the Venice Charter, the Washington Charter, the Burra Charter and the Australia Charter.
- The area has the potential to benefit from Battlefield Tourism.
- It supports the implementation of the recommendations of the two Securing History Reports of the Moore Street Advisory Group. The proposal does not comply with same.

Procedural and Other Issues

- No consent from the City Council to develop or alter the streets and lanes accompanies the application.
- Procedural issues in the planning authority's treatment of the application cited.
- Interference in the independence of the planning process.

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.
- 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.
- The City Council's involvement in a compensation scheme is inappropriate.
- There were delays with the planning authority's online system and notification of decision which impacted on citizens' rights.

7.1.9. 1st Party appeal against condition 5 (duration of permission limited to 7 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.
- While it is not expected that a 15 year construction period will be required, demolition of site 5 will be needed to accommodate construction access. Therefore the permission will be commenced early on but actual construction of the proposed building and associated works will not commence until the other sites are completed.
- While site 5 is a standalone project the overlap to cater for the predicted construction timelines of sites 2, 3 and 4 are significant. Site 2 will include the MEW to facilitate the development of the O'Connell Street Metrolink Station. An application for the site is due in Q3 2022.
- In order to assist TII with the construction of the Metrolink station as well as construction of site 2 the construction of the building proposed on site 5 is not expected to commence until Q4 2029/Q2 2030. A letter of support from TII attached confirming the use of site 5 to access the station box as part of the upcoming Railway Order application for the Metrolink Project during its construction and fit out. It is fully supportive of the duration of permission sought (15 years).
- Many of the risk factors that could impact the Metrolink delivery are out of the applicant's control.
- 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. Site 5 will be used for temporary vehicle access and compounds for construction of sites 2, 3 and 4.

- The Board is referred to the Supplemental Programme Statement which sets out additional modelling of predicted timelines which supports the 15 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.
- 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.
- 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 has 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 5 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 in the regeneration of a significant city centre site.
- A 15 year duration would ensure that there is sufficient buffer to absorb potential risks arising from the development of a complex site, by way of separate concurrent permissions.
- It should also be noted that where the entirety of site 5 is not completed within the 7 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.

- The EIAR has fully considered the full implications of a 15 year duration as part of the overall assessment of the masterplan.
- The 7-year period for the complex development adds significantly to uncertainty, cost and viability risk to the project and thus to its prospect of being realised.

7.2. Applicant Response to 3rd Party Appeals

2 no. submissions 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 has been demonstrated that the site is not considered 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 to be demolished is understood.
- The wall of No.14 Moore Lane to the south of the plot will be taken down by hand and stored for reuse in site 5.
- The strategy for proposed demolition across the site has been thoroughly investigated and justified. This was accepted by the planning authority.
- 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 3.
- Condition 15 requires the recording of the boundary wall between Nos.23 and 24 for it to be salvaged and reused.
- A comprehensive assessment of the impact of the proposal on O'Connell Street ACA was submitted with the application. This included an assessment of the building height within the context of the Building Heights Guidelines.

- The application is accompanied by a Landscape and Visual Impact Assessment.
- 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 decision. The said decision stated that it was not within the jurisdiction of the courts to designate a national monument.
- Nos. 14-17 Moore Street are not within the site. Ministerial Consent is a separate process and will be entered into prior to any works to or adjacent to the National Monument.
- Consideration has been given to the protection of the National Monument in the Site 5 Outline Construction and Demolition Management Plan and would have 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.
- In terms of understanding the historic setting of the area, studies including the 'Historic Urban Landscape Assessment' has informed the overall Dublin Central Masterplan and Site 5 proposal.

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 5 is already developed it is not possible to carry out subsurface archaeological testing prior to the opening up or demolition of the existing buildings.
- A GPR survey was carried out to define the extent of surviving historic street surfaces. It is proposed as part of the Site 2 planning application that stone setts be consolidated within the landscaping proposal.

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 at Site 5 and the contextual elevations submitted by way of further information.
- The proposal respectfully responds to the site characteristics and context and will make a significant, positive contribution to the rejuvenation of this area.

Proposed Uses

- The mix of uses are in accordance with the Z5 land use zoning.
- The Board is referred to the Dublin Central – Commercial Rationale Report which finds a long term positive outlook for the Dublin 1 office market. Acknowledging the impact of Covid-19 the report noted that future office demand is likely to focus on the quality of spaces and locations.
- It delivers an appropriate mix of uses, both vertically and horizontally, with street activating café/restaurants at ground floor level, complemented by office use above, increasing activity across the site and wider area. It will make a positive contribution to addressing an improved business environment and employment generated at this site.

Construction/Traffic Management

- The traffic surveys carried out by TII in May 2018 and the City Council in February 2020 were examined with the latter used for modelling.
- 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.
- Chapter 11 of the EIAR addressing Noise and Vibration sets out detailed mitigation measures which shall be implemented.
- 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. Condition 19 to this effect is attached to the decision.

Construction Access

- Two construction routes to the site have been identified, both via Parnell Street. The 1st would be via Summerhill and Parnell Street 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 be favoured.
- 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.
- 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.
- In terms of the temporary works proposed to the junction of Moore Street and O’Rahilly Parade to facilitate construction access the exact detail of the works will be subject to a separate Road Opening Licence Agreement. 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.
- Access to Greeg Court and businesses will be maintained.
- It is not intended to stack lorries on the streets surrounding the development. It is intended that there will be a staging area located somewhere remote from the site where lorries can wait without causing obstruction or nuisance 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 a suitable staging location and controlled construction deliveries will ensure that the proposed one-way route at Moore Street will not impact upon LUAS or impede access to the Rotunda Hospital.
- Whilst junctions are being temporarily widened pedestrian facilities are being retained.

Sunlight and Daylight

- All windows and private amenity spaces of the identified units facing Moore Street have been assessed. All but 5 no. windows show no impact on Annual Probable Sunlight Hours as a result of the proposed development.
- The BRE guidance document recommends that loss of sunlight should be checked for main living rooms of dwellings where they have a window facing within 90° of due south. The apartments located on the junction of Moore Street/Parnell Street are to the north-east (135° of due south). Save for the exception of 2 windows the daylight analysis criteria is complied with demonstrating that the daylight impact post development is very minor and 89 of the 91 assessed windows (98%) would not have a noticeable loss of daylight. The 2 windows that do not comply have a vertical sky component (VSC) loss of just 2.71% (L01-C) and 2.65% (L02-C) which is very minor. They are only flagged as failing the daylight criterion because it represents over 0.2 times their former value. The daylight loss is, therefore, overstated due to the existing context, north-easterly orientation and existing balcony overhangs the windows pre-development receive.

Duration of Permission

- Whilst it is not expected that a 15 year construction period will be required, demolition of site 5 will be needed early on to accommodate construction access to the masterplan. Some reasonable flexibility on the duration of the life of the permission is sought beyond the standard 5 year period.

Conditions

- 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.
- The implementation of the individual Outline Construction and Demolition Management Plan is not dependent on the commencement of works on the other sites.
- The majority of the conditions attached are standard. Condition 6 meets the criteria for a condition. Such a condition is reasonably common where the principle of the proposal is accepted but where specific design resolution

remains. The contention that the proposal will be radically altered by the condition is not accepted.

Impact on Market Traders

- 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.

Procedural Issues

- A letter of consent from the Department of Housing, Local Government and Heritage simply enables the applicant to make the application.
- 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.
- 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.
- The applicant has indicated all the lands in its ownership.

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

Observations have been received from:

1. Cllr Donna Cooney
2. Moore Street Preservation Society
3. Ray Bateson
4. Clíodhna NicBhranair
5. Harry Connolly
6. Gerry Adams
7. DMOD Architects
8. Sean Crowe TD.
9. Elizabeth Troy
10. Aengus Ó Snodaigh TD
11. An Taisce

The submissions can be summarised as follows:

Cultural and Built Heritage

- 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 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. With the alterations proposed to the area the 1916 Trail cannot be told with authenticity.

- The City Councillors voted to make Moore Street an ACA.
- The loss of historic fabric of Moore Street is significant. The demolition of buildings is contrary to the statement for the ACA.
- Independent assessment of the buildings must be undertaken before any decision is made.
- The scale of the proposal is inappropriate.
- Sensitive redevelopment required around the National Monument.
- Proposals should be acceptable to the families and relatives (descendants) of those who partook in The 1916 Rising and in how the development impacts not just on the National Monument but on the wider 'Battlefield' site at this location.
- The site is partially within the Zone of Archaeological potential. Archaeological investigation must take place.
- The plaza may not be in place for 15 years. The space would be overshadowed.
- The height is excessive and will impact on views.

Alternatives

- 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 The Moore Street Report – Securing History reports to the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs incorporated many of the recommendations of the Lord Mayor's Forum on Moore Street.

Impact on Businesses and Adjoining Property

- It reduces the on-street retail space.
- The proposal will adversely impact the Moore Street market and independent businesses.
- Condition 14 requiring the developer to ensure protection of the market trading area as far as it is practicable is insufficient. It does not refer to independent store traders on Moore Street. There has been no engagement with the said store traders.
- The construction period will have an adverse impact on existing retail and residents. The reduction in the duration of permission from 15 to 7 years will exacerbate concerns arising from the necessary doubling of intensity of site traffic expected as a consequence.
- The construction phase will be overwhelmingly adverse. It will create an unsustainable trading environment which will result in businesses and traders failing unless adequate resettlement or compensation measures are implemented.
- The impact of the construction phase on air and noise has not been properly assessed.
- Impact of construction and construction traffic in such close proximity to the Rotunda hospital.
- No provision made for mobility and active travel during the construction phase.

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.

- The extensive conditions attached to the decision preclude 3rd party participation and comment. Some lack detail and specificity.
- The construction and delivery of Metrolink has been pushed further out. It is still at concept stage with no Railway Order applied for.
- The condition addressing street traders is weak.
- Applicant failed to declare its ownership of properties in the vicinity.
- Footfall modelling is reliant on the as yet unconfirmed Metro Link. It is also illustrative of a pre-Covid time.
- The City Council’s involvement in discussions about a compensation scheme is inappropriate.
- Issues with the planning authority’s online planning system.

7.5. Further Responses

The 3rd and 1st Party appeals were circulated for comment. One response was received.

The 1916 Relative Moore Street Initiative notes that City Councillors sought the protection of the 1916 buildings and terrace. The area satisfies the criteria to be recognised as a National Monument.

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 included under this scheme which I consider to be of relevance to the proposed development and the wider masterplan redevelopment area are:

- 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. As noted by the agent for the applicant in its appeal response there is no legal impediment precluding the lodgement of concurrent applications for development. 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 5 subject of this appeal comprises the northern most section of the Moore Street Terrace bounded by Moore Street to the

west, O'Rahilly Parade to the north and Moore Lane to the east. Coupled with sites 3 and 4 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 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. There are no protected structures or proposed protected structures within the site. 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. The extent of the **applicant's ownership** within the site is adequately detailed with a letter of consent from Dublin City Council owner of Nos. 24-25 Moore Street, 1-3 O'Rahilly Parade and 14-15 Moore Lane, to the making of the application provided. The consent also covers works proposed on the public roadway comprising a new surface water outfall sewer and associated manholes.
- 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 partly in private ownership with consent secured from the relevant owner 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, albeit the widening of O’Rahilly Parade to allow for servicing and disabled parking. 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 high density 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 cafés/restaurants, offices and open space are permitted in principle in such a zone.
- 8.3.5. Whilst a number of appellants and observers to the appeal query the need for **office space**, I note the conclusions of the Dublin Central – Commercial Rationale Report that accompanies the application which finds a long-term positive outlook for the Dublin 1 office market. Acknowledging the impact of Covid-19 the report noted that future office demand is likely to focus on the quality of spaces and locations. As noted, the proposed use is compatible with the land use zoning objective for the area with no limits or caveats attached limiting the number or extent of such a use. The acceptability of the proposal is contingent on the overall quality of the development, its overall physical impact in the context of visual amenity and its impact on adjoining amenities/development potential of adjoining sites. These aspects of the proposal are to be examined in the following sections of this report.

Planning Policy and Context - Conclusion

- 8.3.6. 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. The proposal entails the demolition and clearance of all buildings and hardstanding on the site. 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 of 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 5**, May 2021 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 4A which accompanies the masterplan which sets out a Baseline Assessment of 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. 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. The following are to be demolished
- Nos. 22-23 Moore Street and No. 13 Moore Lane
 - Nos. 24-25 Moore Street
 - No.14 Moore Lane
- 8.4.3. Many of the appellants contend that the proposed development in demolishing part of the terrace along Moore Street, coupled with interference of 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 architectural/structural investigations carried out and referenced above are contested.

- 8.4.4. 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 in 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.
- 8.4.5. None of the buildings within the appeal site are **protected structures** in the current **City Development Plan 2016**. None are proposed protected structures and none are included in the **National Inventory of Architectural Heritage**.
- 8.4.6. **Nos. 22 – 23 Moore Lane** and **No. 13 Moore Lane** is a three storey five bay brick and glass fronted building dating from c. 1965. It extends back to Moore Lane with a 3 metre block wall and roller shutters to the access delineating its boundary. It is designated as being of limited/no significance and is to be demolished.
- 8.4.7. **Nos.24 and 25 Moore Street** is a three storey brick fronted building built in the 1990's. It is currently used as offices for Dublin city street cleaning depot. It is designated as being of limited/no significance and is to be demolished.
- 8.4.8. **No. 14 Moore Lane** includes the amalgamated plots of Nos. 1-3 O'Rahilly Parade and **No. 15 Moore Lane** is a vacant plot currently used for Dublin City Council street cleaning vehicles.
- 8.4.9. It is not known if early infilled basements exist on the site. Ground penetrating radar surveys did not find evidence of any voids beneath the site.
- 8.4.10. 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.

- 8.4.11. As noted previously many of the appeals 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.
- 8.4.12. Notwithstanding the fact that the buildings have not been included as protected structures or proposed protected structures I acknowledge that **section 16.10.17** of the **Development Plan** supports the retention and reuse of older buildings of significance which are not protected and which are 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. In this regard the question of whether or not it is appropriate to demolish the structures is a valid issue in any application for demolition. I will assess this in the context of the assessment of the design and architectural approach of the development in section 8.5 below.
- 8.4.13. 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. Notwithstanding 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.
- 8.4.14. 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.

- 8.4.15. The site is partially within the **zone of archaeological potential** for Recorded Monument DU018-020 (Historic City) and is within a 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 assessments undertaken in the vicinity. These are detailed in section 16.4.2 of the EIAR. They include testing carried out at Nos. 50 and 51 O'Connell Street, 40-41 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.
- 8.4.16. The proximity of the **National Monument** at Nos. 14 to 17 Moore Street is also noted. The area defined around the monument to ascertain impact as established by the National Monuments Service (see Figure 16.23 of the EIAR) does not extend to the subject site. Works to or in the vicinity of the said Monument will be required to secure the necessary Ministerial consent under Section 14 of the National Monuments Act 1930 (as amended). Although the site is outside the said defined area the Department of Housing, Local Government and Heritage in its report to the planning authority recommends conditions requiring 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 exclusion zones are to be agreed with the planning authority and the Department.
- 8.4.17. 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 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.

Demolition

The site is defined by a tight urban grain and block structure with strong street lines with clearly delineated edges. On the basis of the architectural provenance of the buildings, which are of relatively modern construction and which significantly postdate 1916, they add little to the streetscape and character of the area. I have no objection to their demolition. The boundary wall between Nos. 23 and 24 Moore Street should be recorded and documented with a methodology for its salvage and reuse elsewhere within the overall masterplan site.

- 8.5.2. 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. 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.

Suitability of Design and Visual Impact

- 8.5.3. The proposal entails the construction of a 3 - 6 storey mixed use building comprising of café/restaurant units at ground floor level with offices above (served by ground floor access foyer). The site coverage is 76% and plot ratio is 4.05. Given the central location, height of buildings on adjoining sites and public transport in close proximity a plot ratio higher than the indicative figure given in the development plan (2.5-3.0 for Z5 zoned lands) is considered acceptable. It retains the building line, plot widths and storey heights along Moore Street. The elevation onto Moore Street

steps up in height from 3 to 4 storeys allowing for a transition from the proposed buildings to the south (within site 4) to Jury's Inn on the opposite side of O'Rahilly Parade. The 'Dutch Billy' gables, fenestration and brick finish are reflective of those in the existing terrace although I would concur with the planning authority that revisions to the fenestration is appropriate to allow for greater assimilation with the buildings in the terrace being retained to the south (site 4).

- 8.5.4. The building as set back from Moore Street is contemporary in execution with an increase in height to 6 storeys with the top floor setback. The southern elevation of the building will face onto the new public open space which straddles across sites 4 and 5 and will provide active frontage in terms of the café/restaurant uses in addition to the office lobby. It is to have a stone louvre façade in front of a modular aluminium curtain wall system. The building line onto Moore Lane is to be maintained and will have the same elevational treatment as that proposed onto the open space.
- 8.5.5. Certainly, the elevation to O'Rahilly Parade presents itself as the rear of the building with the predominance of 'back of house' and service facilities, although the cafes on the eastern and western ends of the building will have frontage onto the lane. The modifications made by way of further information have assisted in providing for a greater level of animation to the street but I would concur that further articulation at ground floor level is required and thus agree with the provisions of condition 5 attached to the planning authority's decision.
- 8.5.6. The building has an overall height of 27.85 metres and is below the 28 metre limit for commercial buildings in the inner city as set out in chapter 16 of the current City Development Plan.
- 8.5.7. There is no question that the new build of greater height than heretofore exists will alter the visual character of the street but I submit that the impact cannot be assessed in isolation and that regard must be had to the receiving environment both existing and proposed. The visual character of the area has already been materially altered with the somewhat, inert low-rise streetscape of the **ILAC centre** to the west with the more recent development along the northern sections of **Parnell Street** which are materially greater in height. This includes Jury's Inn immediately adjoining on the opposite side of O'Rahilly Parade and the apartment scheme (Greeg Court) over retail stepping up to 8 storeys on the western corner of Moore Street and

Parnell Street. The proposed increase in height when viewed from Henry Street would be framed by these developments and those developed along Parnell Street which terminate the view. When viewed from Parnell Street it will be in the context of the recent development in the foreground and the proposed development along Moore Street on sites 3 and 4 in the background. The use of the colour at the top of the building will draw the eye along Moore Street and from the new passageway from O'Connell Street. I have no objection to this design solution.

National Monument

- 8.5.8. In terms of the setting of the National Monument at Nos. 14-17 Moore Street I would concur with the view that the proposed elevational treatment onto Moore Street with the demolition of Nos. 22-25 is respectful in terms of design, proportions and materials subject to further consideration given to the fenestration. The view to the rear of the Monument will alter materially by reason of the proposed public plaza and the new build as viewed from same which is contemporary in execution and which will frame the new space. In my opinion this is a positive consequence in that it will contribute towards the creation of the new square while providing for appropriate variety in building scale and form to create visual interest in the streetscape.

Architectural Conservation Area

- 8.5.9. The site does not form part of the **O'Connell Street and Environs ACA** but is immediately adjacent to it. Certainly the proposal will alter the character of the ACA at this location. Further alterations will arise should the remaining sites within the overall masterplan be realised, namely sites 2AB and 2A which have frontage onto O'Connell Street and are within the ACA.
- 8.5.10. I consider that the proposed development, in its own right, will allow for the regeneration of this part of the ACA 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.

Design and Architectural Approach – Conclusion

- 8.5.11. Whilst a number of appellants and observers consider that the precedent set by previous decisions in the area should not be relied on to justify the current proposal, I submit that it cannot be assessed in a vacuum without reference to the evolving and

changing cityscape in the immediate vicinity. As an entity the city scape 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 all the buildings rebuilt after The 1916 Rising. It is within this evolving context that the development will sit. Over and above the more recent commercial and residential development at increased heights developed in the vicinity including the recently completed 9 storey hotel at Nos. 17-19 Moore Lane (3303/18 as amended by ABP 303553 and ABP 305470), there are existing permissions in the vicinity including a 7 storey aparthotel at No.30 Moore Street (3304/18), a 9 storey hotel at Abbey Street/Henry Street as part of the Arnotts development (3531/18), a mixed use development at the Jervis Centre (2479/20) and the mixed use development at Cerys up to 9 storeys high (3442/16). I would concur with the applicant that this sets a precedent for increased building height in the area in the context of proximity to protected structures and the O'Connell Street ACA. It is also worth noting the Parnell Square Cultural Quarter granted under ref. ABP 302881.

8.5.12. The proposal will deliver significant gain in redressing the current vacancy and decline along Moore Street and the adjoining lanes and could also act as a catalyst for further redevelopment and regeneration of the area. It also provides for an appropriate increased density and scale within such a strategically important city centre site and will assist in improving and enhancing the vitality of the area. I consider that the proposal can be seen to largely meet the criteria of and accord with the provisions of policy CHC5 of the development plan in terms of the adjoining ACA.

8.5.13. 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.

8.6. 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 5.
- 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 **car parking** is proposed within the scheme. For the Board's information no parking is proposed within sites 3 and 4. 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 **58 bicycle parking spaces** are proposed within the site. 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 Moore Street north of O'Rahilly Parade has 24-hour two-way access. The section of Moore Street south of O'Rahilly Parade allows for goods vehicles between 6am and 11am outside of which it forms part of a pedestrian zone. O'Rahilly Parade and Moore Lane south of same provides for two-way traffic on a 24-hour basis.
- 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 no.5 will continue with the existing delivery location retained and improved with a loading bay to be provided on O'Rahilly Parade which is to be widened. Vehicular movements are to be one way from west to east.
- 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 impact to other 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 of the City Council has no objection to the proposed plans nor has expressed reservations as to the proposed reordering 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 5 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 including the 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. A number of parties to the appeal express concern that the construction traffic estimates are based on a 15 year permission duration. I note that 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. Whilst site 5 is to be cleared so as to function as a construction compound its development would follow the development of the other sites within the masterplan. It is estimated that 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. Should the duration of permission be restricted to 7 years in line with condition 5 of the planning authority's decision this would not have such an impact on the above calculations as to be of material concern. As noted the calculations are based on the major heavy construction for the overall masterplan site being in the 1st four years. I refer the Board to my assessment on the duration of the permission in section 8.9 below.

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. 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.

- 8.6.19. As confirmed by the agent for the applicant it is not intended to stack lorries on the streets surrounding the development but that there will be a staging area located somewhere remote from the site where lorries can wait without causing obstruction or nuisance 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 LUAS or impede access to the Rotunda Hospital.
- 8.6.20. 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 with the necessary control measures to be put in place to minimise nuisance and manage waste.
- 8.6.21. 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 to assess the impact on the operation of Parnell Street between O'Connell Street Upper and Dominick Street during the construction stage 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.
- 8.6.22. In response to the appellants' and observers' criticisms of the proposed plan and the potential alternative of accessing the site 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.

Site Servicing - Conclusion

8.6.23. 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 the north inner city. 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.

8.6.24. 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 3. 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

8.7.1. 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.

8.7.2. 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.

- 8.7.3. 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.
- 8.7.4. **Condition 14** 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.
- 8.7.5. 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.

Existing Residential Amenity

- 8.7.6. Apartments within the Greeg Court apartment complex are to the west/north-west of the site on the opposite side of Moore Street with bedrooms in Jurys Inn hotel immediately to north on the opposite side of O'Rahilly Parade. A **Sunlight, Shadow and Daylight Analysis Report** accompanies the application which was supplemented by way of further information and clarification of further information.

8.7.7. The assessment of daylight, sunlight and overshadowing 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.

8.7.8. 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’. In addition section 3.2 of the **Urban Development and Building Heights Guidelines for Planning Authorities December 2018** which states that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like those referenced above. The guidelines note that 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.

8.7.9. 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.

8.7.10. 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.

8.7.11. The BRE 209 Guidance recommends that loss of sunlight should be checked for main living rooms of dwelling where they have a window facing within 90° of due south. It recommends that the centre of the window in a dwelling living space at a point 1.6 metres above floor level should receive at 25% of the Annual Probable Sunlight Hours (APSH) including at least 5% of the APSH from 21st September to 21st March. If the available sunlight hours become less than this and less than 0.8 times their former value, either over the whole year or just in the winter months, then a noticeable loss of sunlight can occur.

8.7.12. I am satisfied as to the veracity of the results of the Sunlight, Shadow and Daylight Analysis Report, as amended, in so far as is practical, and that the units assessed within the study represent the worst-case scenario.

8.7.13. The Greeg Court apartments are to the north-east of the site (135° of due south) and thus outside the parameters for which an assessment is recommended.

Notwithstanding all the relevant windows on relevant Moore Street elevation were assessed with the results set out in Section 4.2 of the Sunlight Analysis report submitted by way of further information. Save for 5 windows of the 91 assessed (6%) all retain good access to sunlight post construction. The 5 windows failing to meet the criterion are L01-C, L02-C, L03-C, L01-E and L01-F. The average sunlight loss to the windows is 80 hours annually which represents only 5.6% of the APSH that are available annually. However due to the setback of the windows, the overhanging balconies and their north-easterly orientation the windows pre-development receive relatively low levels of sunlight and, therefore, the impact of 80 hours loss as a ratio is greater than 20% of the total. The agent for the applicant contends that this would not occur if the windows were within 90° of due south and the BRE 209 guidance was applied as it was intended.

8.7.14. As per table 5.2 of the Daylight and Sunlight Impact submitted by way of clarification of further information 2 no. windows would not comply with BRE 209 Guidance. Windows L01-C and L02-C refer. The vertical sky component loss to these two windows is 2.71% and 2.65% respectively. It is stated that the loss is very minor and is only flagged as failing the daylight criterion because it represents over 0.2 times their former value and that the daylight loss is overstated due to the north-easterly

orientation, setback of windows and existing balcony overhangs the receive pre-development.

8.7.15. In terms of the windows in Jury's Inn the analysis concludes that with the exception of 5th floor windows the south elevation windows would have a noticeable loss of sunlight but will continue to have good access to sunlight post development (>25% of APSH). The hotel has benefitted from largely unrestricted access to sunlight arising from the vacant plot immediately to the south. To retain same or consider a low-rise development on such a strategic inner-city site would run contrary to the proper planning and sustainable development of the area. On this basis the impact that would arise is considered acceptable.

8.7.16. As noted previously the detail provided in the BRE document is advisory not mandatory. I submit that the very small percentage of infractions of the recommended guidance figures must be balanced against the desirability of achieving wider planning objectives including the sustainable redevelopment of an important inner city site which forms part of a comprehensive regeneration project and to provide for an appropriate density within an effective urban design and streetscape solution. On balance I consider that the impact that would arise is considered acceptable.

8.7.17. The analysis also gives consideration of the impact of the proposed development on the amenity space which is to straddle this site and Site 4 immediately to the south. It would attain good levels of sunlight through the year with over 90% of the space achieving 2 hours of sunlight on the 21st March. Due regard is had to the proposed plans for the entire masterplan site.

8.8. Duration of Permission

8.8.1. The applicant is appealing **condition 5** limiting the duration of the permission to 7 years. 3rd parties have specific concerns regarding the 15 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.

8.8.2. 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 surrounding road network and the narrow existing lanes,
- The Metro Enabling Works and potential for delays,
- Protected and non-protected structures to be retained,
- Neighbours including residents and local businesses,
- The scale and nature of construction works to be undertaken.

8.8.3. 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. Site 5 is to be used as the construction compound for the entire masterplan site. Thus, it is envisaged that whilst the buildings on the site will be demolished and site cleared to allow for its use during the construction phase, construction on the site would not commence until development on the other sites are complete. The site will also be required to facilitate the Metrolink Enabling Works (MEW) proposed as part of Site 2C. The potential for delays arising from the realisation of the MEW is a substantive consideration in the case made for a 15-year permission duration.

8.8.4. As acknowledged in earlier sections of this assessment the complex nature of the redevelopment of the overall masterplan site with identified constraints are acknowledged. To date 3 no. applications for sites 3, 4 and 5 have been made, all of which are now before the Board for assessment. Applications for site nos. 2AB and 2C which would include the MEW have not been lodged with the planning authority. I submit that it is not reasonable to be contemplating a duration of permission 3 times that normally applied so as to allow for a development which may or may not be permitted and which may or may not encounter delays. On this basis I consider it appropriate to consider a duration of permission to allow for the realisation of the development proposed and before the Board for assessment.

8.8.5. It is acknowledged that site 5 will function as the construction compound for the sites 3 and 4 to the north. It is envisaged that the construction periods for those sites would run in parallel and would be realised in 5 years. I would refer the Board to my assessment of the applicant's request to allow for a duration of permission on the said respective files of 7 years. In summary, I recommend against same on the basis that the works entail development within a relatively small area and whilst

acknowledging the location of the National Monument and retention of proposed protected and non-protected structures, does not present any challenges that can be considered unique or exceptional and which would not be encountered in other inner city redevelopment sites. I also note that the justification of the division of the overall site into 6 parcels 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. On this basis and having regard to the function of site 5 as a construction compound I consider that a duration of permission for 7 years to be appropriate.

- 8.8.6. 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 the duration of permission as sought is not considered appropriate or acceptable.

8.9. 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*, 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 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 0.18 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
 - 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 on 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 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 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 an 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 or 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 realise the redevelopment of an important 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 on the rooftops on 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 or 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 building 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 building have benchmarked itself against Sustainability Assessments including BREEAM, LEED, WELL Building Standard. 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 based on 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 Plan to be implemented. This will require all deliveries and collection 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 and 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 8.8 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 5. Conditions to address the issues arising would be standard protocol requiring the implementation of best practice.

9.10.22. The development of site 5 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 0.18 hectares is rectangular in shape comprising of Nos. 22-25 Moore Street, Nos. 13-14 Moore Lane (otherwise known as 1-3 O'Rahilly Parade). It is bounded by Moore Street to the west, O'Rahilly Parade to the north and Moore Lane to the east.

9.12.1. Nos. 22 – 23 Moore Lane and No. 13 Moore Lane is a three storey five bay brick and glass fronted building dating from c. 1965. It extends back to Moore Lane with a 3 metre block wall and roller shutters to the access delineating its boundary. Nos. 24 and 25 Moore Street is a three storey brick fronted building built in the 1990's. It is currently used as offices for Dublin city street cleaning depot. No. 14 Moore Lane includes the amalgamated plots of Nos. 1-3 O'Rahilly Parade and No. 15 Moore Lane is a vacant plot currently used for Dublin City Council street cleaning vehicles.

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

9.12.3. 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

9.12.4. 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.

9.12.5. Demolition of the buildings on the site are proposed.

9.12.6. 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

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

9.12.8. Construction and Demolition Management Plan to be drawn up which will take into consideration the protection of retained structures in the vicinity.

9.12.9. The new building has been designed in a contemporary manner and will allow the existing historic buildings in the vicinity to be easily read in conjunction the new development.

Residual Impacts

9.12.10. The demolition of the buildings identified for same will result in an irreversible loss of fabric.

9.12.11. The construction of the new building will all have long term visual impacts on the proposed protected structures and protected structures on adjacent sites.

9.12.12. The proposed development will alter the setting of the National Monument through the introduction of the new plaza which will open up views to the rear and frame same with the introduction of a new contemporary building.

Cultural Heritage – Conclusion

- 9.12.13. 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.
- 9.12.14. 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 opening it up to the public. The proposal could also act as a catalyst for further redevelopment and regeneration of the area. On this basis I consider that the extent of demolition is justified. Thus, on balance, the proposed development is acceptable in terms of the cultural and built heritage of the site.
- 9.12.15. 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.

9.13. Landscape

- 9.13.1. 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

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 and an open yard accessed from O'Rahilly Parade.

Predicted Effects

- 9.13.2. 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.
- 9.13.3. Most townscape effects will be experienced in the immediate vicinity with the plaza introducing an open space which hereto does not exist.
- 9.13.4. The building height is greater than what previously existed on the site. In view of the extent of development with increased heights in the immediate vicinity to the north the visual impact of the development when viewed both from the north and south would not be material.

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

- 9.13.5. 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.

9.13.6. Residual Impacts

None.

Landscape – Conclusion

- 9.13.7. The appellants and observers to the appeal contest the appropriateness of the visual impact of the proposal. It is evident that the new build is 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.
- 9.13.8. The proposed building whilst respecting the prevailing pattern of development onto Moore Street provides a contemporary architectural design with increased height onto the proposed public plaza and onto Moore Lane. 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. 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 city scape 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.

9.13.9. 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.

9.13.10. 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.

9.14. Interaction of the Above and Cumulative Impacts

9.14.1. 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.

9.14.2. Cumulative impacts were assessed in each chapter of the EIAR with regard had to the developments on Sites 3 and 4 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.

9.15. Reasoned Conclusion on the Significant Effects

9.15.1. 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 arising from the redevelopment of a currently underutilised site which is respectful of the built heritage to the south on Moore Street.

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.

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 and new build to comprise of café/restaurants and offices in a 3-6 storey building. 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

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.

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 *Ammophila arenaria* / 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

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.

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,
- (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 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 open space 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 arising from the redevelopment of a currently underutilised site which is respectful of the built heritage to the south on Moore Street

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.

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.

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, proposed Protected Structures and 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 and 29th April 2022, 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 seven years from the date of this order

Reason: Having regard to the nature of the proposed development, the Board considered it reasonable and appropriate to specify a period of the permission in excess of five years.

4. The development shall be amended as follows:
 - (a) Revised elevational treatment to O'Rahilly Terrace providing for amended fenestration treatment and external finishes.
 - (b) Café/restaurant No.3 as delineated on drawing number 1100 Rev. P01 shall be served by increased glazing onto O'Rahilly Parade,
 - (c) The refuse store frontage onto O'Rahilly Parade shall be reduced.
 - (d) Fenestration detail to the Moore Street elevation to be amended to reflect that of the terrace immediately to the south,
 - (e) The black painted glass on the south elevation (onto the public square) of the building shall be omitted.

Revised plans with the necessary alterations shown thereon shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interests of the visual amenities of the area.

5. 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 19th 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.

6. A revised landscaping plan shall be submitted 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.

7. Details of the proposed boundary to the public space to be provided on the development of the site to the south until the development is completed on the site shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of visual amenity.

8. Prior to commencement of development, the developer shall provide for the appointment of a conservation expert who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric in the vicinity during those works.

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 boundary wall between Nos. 23 and 24 Moore Street shall be recorded and documented with a methodology for its salvage and reuse to be submitted to the planning authority for written agreement prior to commencement of development.

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 recyclable 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 building 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 a street and 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. All café/restaurant units shall be seated restaurants and any takeaway of delivery element shall be ancillary

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 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.

31. 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.

32. 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