



An
Bord
Pleanála

Inspector's Addendum 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
Inspector	Pauline Fitzpatrick

1.0 Introduction

- 1.1. This is the 2nd addendum report to the inspector's report in respect of ABP 3i3947-22 dated 19th October, 2022. The 1st addendum report is dated 16th November, 2023.
- 1.2. The Board in its Direction dated 01/12/23 decided to defer the consideration of the case and to issue a section 137 notice to the parties to the appeal on matters that it proposes to take into account other than those raised by the said parties.
- 1.3. By way of section 137 of the Planning and Development Act, 2000, as amended, the parties to the appeal were invited to provide any comments on matters of relevance to the proposed development by reference to changes to policy and/or wider provisions of the Dublin City Development Plan 2022-2028, that came into force since the lodgement of the appeals now before the Board and that may have relevance to the proposed development.

The notice states that any comments provided should specifically, but not exclusively, address changes in policy/provisions relating to the following chapters of the Development Plan:

- Chapter 4 – Shape and Structure of the City
 - Chapter 6 – City Economy and Enterprise
 - Chapter 7 – The City Centre, Urban Villages and Retail
 - Chapter 8 – Sustainable Movement and Transport
 - Chapter 11 – Built Heritage and Archaeology
 - Chapter 12 – Culture
 - Chapter 13 – Strategic Development Regeneration Areas
 - Chapter 15 – Development Standards
- 1.4. This report considers the submissions made on foot of the said request.

2.0 Responses to Section 137 Request

2.1. Applicant's Response

Responses to Section 137 Notice

Applicant's Response

The submission by Stephen Little & Associates on behalf of the applicant can be summarised as follows:

Chapter 4 – Shape and Structure of the City

Regeneration

- Site 5 is consistent with the national policy objectives of the NPF in achieving sustainable mixed use development appropriate to the regeneration and rejuvenation of this city block and wider masterplan.

Compact Growth

- The proposal is an appropriate redevelopment of a highly accessible, underutilised, brownfield city centre site for a mix of uses and promotes the consolidated compact growth of employment opportunities and housing.

Building Height

- The building height strategy for site 5 has been considered in the context of the wider Masterplan vision. Site 5 announces the wider regeneration scheme at a key location adjoining Moore Street fronting onto a new square.
- Along Moore Street the new buildings follow the existing building line, plot lines and building heights. Historical records show that the buildings on these plots were originally 3 and 4 storeys high and these heights have been maintained with the 4 storey element moving north to the corner of the O'Rahilly Parade, to mitigate the change in height between the 3 storeys of the historic fabric and the 5 storeys of the Jury's Inn Hotel.
- The building line of O'Rahilly Parade has been widened to allow for a pavement, a loading bay and a disabled parking space to accommodate

increased pedestrian movement anticipated from the proposed metrolink station as well as allowing for service vehicles to use the street. The building rises to 6 storeys to maintain the tight sense of enclosure.

High Quality Architecture

- The design incorporates high quality, contemporary design whilst also acknowledging the need to incorporate the quality historical elements.

Chapter 6 – City Economy and Enterprise

- The office proposed (in tandem with office use proposed in Sites 2 and 4) will support the economic regeneration of the area. The people intensive office use proposed will benefit from being in a location which is exceptionally well connected with existing and proposed public transport.
- The office will support the generation of direct and indirect employment opportunities, contributing to Dublin's role as an engine of national economic growth.
- The building layout has been designed to accommodate either a single or multiple tenants.
- The proposed office, in combination with the other café/restaurant uses will help to create active and vibrant retail streets and a mixed-use urban quarter.

Chapter 7 – The City Centre, Urban Villages and Retail

- The uses are all permissible in principle in Z5 zoning.
- It delivers an appropriate mix of uses with street activating café/restaurant uses at ground floor complemented by office uses at upper floors.
- The office entrance will create a focal point and ensure there is a high level of footfall passing through and around the square. The café/restaurant units have entrances from the public plaza, Moore Street, O'Rahilly Parade and Moore Lane.
- A general shopfront strategy has been devised.

- As per condition 14 of the notification of grant of permission the applicant is committed to ensuring the protection of the Moore Street Market as far as practicable. A similar condition is requested.

Chapter 8 – Sustainable Movement and Transport

- The proposed redevelopment is very well located in terms of accessibility by foot, bicycle, and public transport. No car parking is proposed.

Chapter 11 – Built Heritage and Archaeology

- The site is outside the boundary of the O’Connell Street and Environs ACA and does not contain any protected structures.

Chapter 12 – Culture

- The overall Dublin Central Masterplan will bring together cultural activities interlinked with supporting uses such as a hotel, residential, café/restaurant and office space to create a vibrant, defined, cultural quarter and community within this urban block.
- 2.5% of the site 5 gross floor area is dedicated towards community, arts and cultural spaces. It is considered reasonable that the provision of community, arts, and culture spaces should be assessed in the context of the wider Dublin Central Masterplan. There are a number of indoor and outdoor cultural and community spaces proposed across the Dublin Central masterplan that meet the Objective CU025 requirement. In the context of the Dublin Central Masterplan 5.2% of the area is dedicated to such uses which is in excess of the minimum requirement set out in Objective CU025.
- The Metrolink public areas comprise 11% of the total Dublin Central GFA (including site enabling works) before the other community, arts and cultural spaces are considered. These public areas should be considered as part of the community space provided as part of this development. The community, arts and cultural spaces, when considered together with the Metrolink public areas, accounts for 16% of the Dublin Central masterplan which is well in excess of the 5% required by Objective CU025.

- Given the provision of community, arts and cultural spaces across the Dublin Central Masterplan and the significant extent of existing cultural facilities within the wider context of these lands it is considered that the provisions of objective CU025 are adequately met.

Chapter 13 - Strategic Development Regeneration Area 10 Northeast Inner City

- Whilst DCC are committed to preparing an LAP it is understood that work on same has not commenced. In the absence of an LAP a masterplan for the Dublin Central site was prepared.
- The Dublin Central lands are identified as a 'Key Opportunity Site' within the SDRA. The proposal closely aligns with the aspirations set out in the SDRA.
- It is evident that the masterplan is in line with the guiding principles for Key Opportunity Sites, in this case O'Connell Street/Moore Street/Cultural Hub.
- The Board is referred to the Outline Construction and Demolition Management Plan and Preliminary Construction Traffic Management Plan for further details on different stages of construction, co-ordinated as necessary with other planned works that may take place during the planned construction period.

Chapter 15 – Development Standards

- The proposed uses are permissible in principle within the Z5 zone.
- The proposal will contribute to achieving a transition to low carbon, energy efficient and climate resilient city centre development.
- The site, as a component of the wider Dublin Central masterplan, has been designed to meet the mobility needs and convenience of all. It delivers good permeability throughout allowing all-inclusive access without compromising the existing historical character.
- The scheme which ranges in height from 2-6 storeys is within the prevailing heights of buildings in the area and does not require an evaluation of criteria set out in Appendix 3. At a maximum height of 30 metres it is considered a building of 'prevailing height'.

- The plot ratio of 3.87 and site coverage of 0.76% are consistent with indicative standards. The lower site coverage is as a result of the site providing part of the new square.
- No carparking is provided. The site is well located adjacent to public transport.

2.2. Planning Authority

There are a number of relevant new/revised policies and objectives to which the Board is recommended to have regard to including:

- Chapter 4: SC1 – 4, SC8, SC11, SC17
- Chapter 5: QHSN4, QHSN 6 -8, QHSN 10-11, QHSN 38, QHSN47 & QHSN58
- Chapter 6: CEE1–3, CEE7-8, CEE14, CEE19-21, CEE26, CEE28 & CEE34
- Chapter 7: CCUV3-4, CCUV6-8, CCUV15-18. CCUV33-39, CCUV41-42 CCUV44, CCUVO18-19.
- Chapter 8: SMT3-4, SMT8-9, SMT11-12, SMT14, SMT22 & SMT 27.
- Chapter 11: BHA5-8, BHA10-11, BHA14, BHA18, BHA21-22, BHA24
- Chapter 12: CU2, CU4, CU7, CU9, CU12-13, CU15, CU20, CUO25-26, CUO39.
- Chapter 13: SDRA01. SDRA 10 North East Inner City
- Chapter 15: Section 15.3-15.9, 15.13-18.
- The Board should also have regard to the Appendices.
- Buildings within the site have been included on the RPS which are subject of judicial review.
- The PA welcomes the development which would support and be in accordance with a number of policies and related objectives of the development plan, in particular SDRA01 and the guiding principles under SDRA10 North Inner City and Policy CEE2 which aims to take a positive and

proactive approach when considering the economic impact of major planning applications in order to support economic development, enterprise and employment growth and also to deliver high quality outcomes. These proposals which form part of a proposed wider masterplan area for the O'Connell Street Area will significantly regenerate a major underutilised brownfield city centre site and its potential to contribute to the positive transformation of O'Connell Street and its immediate area is of strategic importance to Dublin City.

2.3. **Relatives of the Signatories to The 1916 Proclamation**

Section 12.5.2 Cultural Hub and Quarters

- The Moore Street area is still intact. It mirrors in shape and form how it looked when it was 1st laid out. A restoration plan to provide for a 1916 Cultural Historic Quarter rather than another shopping precinct is required in this area of huge historical significance.
- The area is ready made (with restoration) for the creation of a Temple Bar style development plan with centres of excellence in music, dance, language with space for artist studios throughout and including retail café/restaurant support.

CU9 – North Inner City

- The historic quarter would connect Parnell Square - Moore Street forming a circle of history.

CU 09 – 14-17 Moore Street

- The existing 1916 Monument cannot stand in isolation. It has to be seen in context in accordance with European best practice and guidelines (The Venice Charter)

CCUV 34 – Moore Street Market

- The market is important in the social history of the city to which scant regard has been given.
- The proposal will lead to the death of the market.

2.4. **Mary Lou MacDonald TD**

- The buildings included in the RPS should be given due consideration.
- Additional reference to the buildings and adjoining laneways on Moore Street should be taken on board. These references include references to a cultural hub and quarter in the north Georgian city incorporating O'Connell Street, Parnell Square and Moore Street.

2.5. **Moore Street Preservation Trust**

- While the additional protected structures are currently subject of a legal challenge it is considered that the Board must err on the side of caution and consider the buildings to be already listed on the RPS. Alternatively, it could await the outcome of the legal proceedings.
- Reference to the historic Moore Street and its environs in the current plan are noted. These references should be prioritised in determining the application.
- A way to adhere to the changes in the 2022-2028 development plan has been clearly demonstrated in the Trust's own plan for the area which was submitted as part of this ongoing appeal.
- The following sections of the 2022 Development Plan are relevant to the proposed development:
 - Section 12.5.2 Cultural Hubs and Quarters
 - CU7 Cultural Clusters and Hubs
 - CU9 Parnell Square and North Inner City Cultural Cluster
 - CU09 14-17 Moore Street
 - Section 7.5.6 Food and Beverage Sector/Markets
 - CCUV34 Moore Street Market

2.6. **Sinn Féin Group**

- The buildings included in the RPS should be given due consideration.

- Additional reference to the buildings and adjoining laneways on Moore Street should be taken on board. These references include references to a cultural hub and quarter in the north Georgian city incorporating O'Connell Street, Parnell Square and Moore Street.

2.7. The 1916 Relatives Moore Street Initiative

- The current proposal fails to meet the objectives of the 2022 City Development Plan. The plan drawn up by Sean O'Muirí would accord with same.
- Regard should be had to the structures now placed on the RPS.

3.0 Further Submissions

3.1. Applicant (c/o Stephen Little & Associates)

Further Submissions

The above submissions were circulated for comment. The responses received can be summarised as follows:

Applicant (c/o Stephen Little & Associates)

In addition to points made in earlier submissions the following are noted:

Chapter 5 – Quality Housing and Sustainable Neighbourhoods

- The proposal positively contributes to the character and identity of the neighbourhood. The development reinforces the character of Moore Street, through form, mass, design and materials. The ground floor uses support the existing market contributing to the activity and animation of the street.

Chapter 7 – The City Centre, Urban Village and Retail

- It is considered that policy CCUV41 – New Infrastructure Development does not apply to this development.
- A Scenario Testing and Development Design Report was submitted with the application. It considers the existing pedestrian movement patterns and

pedestrian numbers in the area. It underlines the inhibiting and impermeable nature of the Masterplan area in its current format for pedestrian movement. The proposal is considered with objective CCUV019 through its provision of enhanced pedestrian amenities and connectivity to Dublin City Centre.

Chapter 12 – Culture

- The applicant supported a forensic analysis of this section of Moore Street at an early stage of the design process, mapping the position and known extent of pre-1916 building fabric.
- The legibility and enhanced expression of Moore Lane and Henry Place is a central design objective of the masterplan. It is accepted that the mergence of historic laneways and yards within the building blocks of site 3 and sites 4 and 5 reflects their infilling and amalgamation over the course of time since 1916. The viability of the development, to an extent, relies on the continuance of this adopted tradition, whilst preserving, restoring, and presenting building fabric of significance.
- Whilst the establishment of the commemorative visitor centre falls outside the remit of the application it has made every effort to consider the national monument and its setting within the overall masterplan including the provision of upgraded and new public realm.

3.2. Planning Authority

It reiterates points made in the 1st submission summarised above.

3.3. Moore Street Traders (c/o William Doran)

- The submissions as made stand. They support the submissions made in opposition to the proposal as summarised above.
- They have not agreed to withdraw their appeal or to support the application.
- The Board is requested to refuse permission or to include enforceable conditions which protect the livelihood of the traders allowing them to continue trading including conditions to control noise and dust.

3.4. **Stephen Troy**

- He concurs with the submissions made in opposition to the proposal.
- DCC and Dublin Town are aware of the financial impact that such large construction projects can have on businesses in close proximity. The latter does not represent its members.
- There is an oversupply of retail in the city centre.
- A plan of restoration as proposed in the 1916 Cultural Quarter Bill is much more fitting for a city centre that is in urgent need of enhanced footfall and regeneration.
- Issues pertaining to compensation and the MSAG report raised in the submission.

3.5. **Moore Street Preservation Trust (2 no. submissions)**

- It supports the submissions made in opposition to the proposal as summarised above.
- It challenges the applicant's assertion that the proposal constitutes a significant urban regeneration project that encourages high quality urban design and architectural details that contribute to the historic streetscape. The dominant factor is an emphasis on the commercial viability of the projects. The large scale and high density of development and the proposed uses highlight the commercial basis for the proposals. There is a lack of real or proper reference to the historic nature of this quarter in the application.
- Whilst the City Council's planners and management have supported the project it is at variance with the elected members have always worked to ensure the historic nature of the sites is give fair consideration in all the design proposals.
- Work on the LAP for the Strategic Development Regeneration Area 10 (North East Inner City) has not commenced. A decision on the application is premature pending the said LAP. It is not fair or reasonable that the applicant's masterplan and design statement replaces the LAP.

- A properly designed historic quarter can be part of a commercial development and could attract visitors similar to other prominent tourist attractions across Dublin.

3.6. Dublin One Business Alliance (c/o DMOD Architects)

- The Board is requested to recommend appropriate mitigation to redress the applicant's neglect of the adverse impact on the businesses and livelihoods of the independent store traders with premises on Moore Street.

3.7. The 1916 Rebellion Moore Street Initiative

- The Board cannot make a decision before the making of the LAP for the Strategic Development Regeneration Area. The applicant offers no evidence in support of the contention that the Planning Authority can grant permission in the absence of the plan.
- The plans show a disregard for the vote taken by Councillors to add historic buildings in particular the terrace of buildings from 10 to 25 Moore Street, all of which contain elements or features as well as the footprint of the original structures to the RPS.
- The Mola drawings show an unacceptable level of demolition along Henry Place and a redrawing of the intersection with Moore Lane where volunteers fell unit enemy gunfire.
- The plan to superimpose an 8 storey hotel atop a wall of the O'Brien Water Works building is not conservation and should be rejected.
- The plan does not meet the agreed recommendations of the Advisory group to the Minister in Securing History 1 which was agreed by all participants.
- The plan fails to meet the recommendations of the Lord Mayor Forum, the City Council Advisory Group and the objectives of the Venice Charter and other international guidelines.

- The terrace of building at 10 to 25 is worthy of preservation. Where necessary, modern infill along the terrace can be replaced and not removed on the basis of being 'non original'.

3.8. Relatives of the Signatories to The 1916 Proclamation

- The Board cannot make a decision before the making of the LAP for the Strategic Development Regeneration Area. The applicant offers no evidence in support of the contention that the Planning Authority can grant permission in the absence of the plan.
- There is no allowance for the development of a cultural quarter. The historic importance of buildings linked directing to The Rising is ignored.
- They share the Department's view that the extent of proposed demolition is unnecessary and not acceptable. The Mola drawings show that the evacuation route along Henry Place is to be demolished almost in its entirety.
- The O'Brien's Mineral Water Works Building is to be reduced to one wall on which an 8-storey hotel is to be built contrary to policy BBHA 11.
- The findings of the Dooley Hall Report on which the applicant relies were not meant to be final as no access was gained to any building. Subsequent internal surveys by city council planners show 1916 elements in each building along the terrace.
- The dismissal of No.18 Moore Street as not being worthy of protection is based on its description as being in ruins in 1916. It does not mean the site was an open site. This house shares a party wall with No.17 Moore Street. It follows that it forms part of the declared National Monument. It cannot be demolished solely in the commercial interest of the applicant.
- No decision can be made until a decision is made on the proposed Metro Link.
- The plan drawn up by Sean O'Muiri Architect meets all the recommendations and objectives of the city development plan, the recommendations of the

Moore Street Advisory Committee and the recommendations and objectives of international guidelines on protection of history and heritage.

4.0 **Assessment**

- 4.1. I refer the Board to my report dated 19th October, 2022 and the addendum report dated 16th November, 2023. In the latter I noted the substantive changes/additions between the 2016 Dublin City Development Plan which was applicable at the time of the lodgement of the application and the current plan which came into effect in December 2022.
- 4.2. I advise the Board that in addition to the 2 no. concurrent appeals for which comparable addendum reports have been sought (ABP 312603-22 and ABP 312642 there are a further two appeals currently before it for other lands covered by the Dublin Central masterplan. ABP 318316-23 for Site 2 and ABP 318268-23 for 61 O'Connell Street refer.
- 4.3. I note the planning authority in its submission details specific policies and objectives to which it recommends the Board have regard to. I have detailed the majority of the references in my addendum report dated 16th November, 2023. In view of the similarity of the planning authority's submissions on the 3 no. concurrent files a number of referenced policies and objectives and sections are not applicable to the subject development notably those pertaining to residential and hotel development which do not form part of the application and are not set out below.
- 4.4. However in the interests of completeness, the Board is advised that those not referenced in the said addendum report and which are relevant to the proposed development are summarised as follows:

Chapter 4 – Shape and Structure of the City

Policy SC4 - Recreational and Cultural Events including the development of new and the retention and enhancement of existing civic and cultural spaces.

Policy SC8 - Development of the Inner Suburbs.

Chapter 5 – Quality Housing and Sustainable Neighbourhoods

Policy QHSN4 - Key Regeneration areas. To promote the transformation of the key regeneration areas into successful socially integrated neighbourhoods and promote area regeneration in parts of the city which require physical improvement and enhancement.

Policy QHSN58 - Culture in Regeneration recognising the potential to act as a catalyst for integration, community development and civic engagement.

Chapter 6: City Economy and Enterprise

Policy CEE1 – Dublin’s Role as The National Economic Engine.

Policy CEE2 – Positive approach to the economic impact of applications including taking a positive and proactive approach when considering the impact of major planning applications in order to support economic growth and also to deliver high quality outcomes.

Policy CEE3 - Promoting and Facilitating Foreign Direct Investment.

Policy CEE7 - Strategic and Targeted Employment Growth.

Policy CEE14 - Quality of Place.

Policy CEE19 - Regeneration Areas. To promote and facilitate the transformation of Strategic Development and Regeneration Areas (SDRAs) in the city, as a key policy priority including by promoting high-quality private and public investment.

Policy CEE21 - Supply of Commercial Space and Redevelopment of Office Stock.

Policy CEE26 - Tourism in Dublin including its promotion and facilitation as one of the key economic pillars of the city’s economy and a major generator of employment and to support the appropriate, balanced provision of tourism facilities and visitor attractions.

Policy CEE34 - Craft Enterprises recognising that same including designers’ studios/workshops etc., along with visitor centres, provide economic development and regeneration potential for the city, including the promotion of tourism.

Chapter 7: The City Centre, Urban Villages and Retail

Policy CCUV33 - Support for Markets. To facilitate indoor and outdoor markets both in the city centre and throughout the city particularly where they support the existing

retail offer and local produce/start up enterprise and the circular economy; and to realise their potential as a tourist attraction.

Policy CCUV34 - Moore Street Market. 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 cooperation with the traders, and taking account of the contents and relevant recommendations of the Moore Street Advisory Group Report, the OPW and other stakeholders including the response of the Minister for Heritage and Electoral Reform.

Policy CCUV35 - Night Time Economy.

Policy CCUV36 – New Development seeking to support uses that would result in the diversification of the evening and night time economy where there is little impact on the amenity of adjoining or adjacent residential uses.

Policies CCUV37 – CCUV39, CCUVC41-42 and CCUV44 - Streets and Spaces and Public Realm.

Objective CCUVO18 - Streets and Lanes Dublin 1. To work with city stakeholders to implement a number of public realm projects arising from the Re-Imagining Dublin One study and to extend best practice from these projects to other parts of Dublin 1 and the city.

Objective CCUVO19 - Linking Office and Culture Clusters to the Retail Core.

Chapter 8 Sustainable Movement and Transport

Policy SMT3 - Integrated Transport Network.

Policy SMT4 – Integration of Public Transport Services and Development.

Policies SMT8-9 – Public Realm Enhancements and in New Developments.

Policy SMT11 – Pedestrian Network seeking to protect, improve and expand on the pedestrian network, linking key public buildings, shopping streets, public transport points and tourist and recreational attractions whilst ensuring accessibility for all.

Policy SMT12 – Pedestrians and Public Realm seeking to enhance the attractiveness and liveability of the city through the continued reallocation of space to pedestrians and public realm.

Policy SMT14 – City Centre Road Space.

Policy SMT22 – Key Sustainable Transport Projects including Metrolink and Bus Connects.

Policy SMT27 – Car parking in Residential and Mixed Use Developments.

Chapter 11 Built Heritage and Archaeology

Policy BHA10 – Demolition in a Conservation Area.

Policy BHA14 – Mews.

Policy BHA21 – Retrofitting Sustainability Measures.

Policy BHA22 – Upgrading Environmental Performance.

Chapter 12 Culture

Policy CU2 - Cultural Infrastructure ensuring the continued development of Dublin as a culturally vibrant, creative, and diverse city with a broad range of cultural activities provided throughout the city, underpinned by quality cultural infrastructure.

Policy CU4 - Cultural Resources and supporting the development of new and expanded cultural resources and facilities within the city.

Policy CU13 – Protection of Cultural Uses impacted by Covid.

Note CU09 14-17 Moore Street is incorrectly referenced in the previous addendum report as a policy. I confirm that it is an **objective**.

Policy CU12 – Cultural Spaces and Facilities including growing the range of cultural spaces and facilities in tandem with all new development.

Policy CU15 – Cultural Uses in the Design and Uses of Side Streets.

Policy CU20 - Cultural Activities in the Evening.

Objective CUO25 - SDRAs and large Scale Developments.

All new regeneration areas (SDRAs) and large scale developments above 10,000 sq. m. in total area* must provide at a minimum for 5% community, arts and culture spaces including exhibition, performance, and artist workspaces predominantly internal floorspace as part of their development at the design stage. The option of relocating a portion (no more than half of this figure) of this to a site immediately

adjacent to the area can be accommodated where it is demonstrated to be the better outcome and that it can be a contribution to an existing project in the immediate vicinity. The balance of space between cultural and community use can be decided at application stage, from an evidence base/audit of the area. Such spaces must be designed to meet the identified need.

*Such developments shall incorporate both cultural/arts and community uses individually or in combination unless there is an evidence base to justify the 5% going to one sector.

Objective CUO26 - Demolition or Replacement of a Use of Cultural Value. Where applications are made seeking to demolish or replace a cultural space/use, the development must re-accommodate the same or increased volume of space/use or a similar use within the redevelopment. Cultural uses include theatres, cinemas, artist studios, performance spaces, music venues, nightclubs, studios and dance space.

Chapter 14: Strategic Development Regeneration Areas

Objective SDRAO1 - To support the ongoing redevelopment and regeneration of the SDRA's in accordance with the guiding principles and associated map; the qualitative and quantitative development management standards set out in Chapter 15; and in line with the following overarching principles:

- Architectural Design and Urban Design
- Phasing
- Access and Permeability
- Height
- Urban Greening and Biodiversity
- Surface Water Management
- Flood Risk
- River Restoration
- Sustainable Energy
- Climate Change

- Cultural Infrastructure – schemes over 10,000 sq.m. to provide a minimum of 5% community, arts and culture predominantly internal floorspace.

Chapter 15 – Development Standards

Section 15.7.3 Climate Action and Energy Statement. Statements for significant new residential and commercial developments, in SDRA 10, must demonstrate how the proposed development is District Heating Enabled and will connect to the 'Docklands and Poolbeg' DDHS catchment.

Comment:

In the interests of clarity I advise that I have regard to the totality of the 2022 City Development Plan and to all the submissions received in response to the Section 137 notice. I refer the Board to my report dated 19/10/22 and addendum to same dated 16/11/23. In addition:-

- Objective CUO25 requires that all new regeneration areas (SDRAs) and large scale developments above 10,000 sq. m. must provide, at a minimum, for 5% community, arts and culture spaces including exhibition, performance, and artist workspaces (predominantly internal floorspace) as part of their development. Such developments shall incorporate both cultural/arts and community uses individually or in combination unless there is an evidence base to justify the 5% going to one sector. This requirement is reiterated in objective SDRAO1. I note that 2.5% of the site 5 gross floor area is dedicated towards community, arts and cultural spaces. However, I would concur with the applicant's view that it is reasonable that the provision of community, arts, and cultural spaces should be assessed in the context of the wider development which is subject of five separate applications. There are a number indoor and outdoor cultural and community spaces proposed across the site including an extension to the national monument in site 4, the public plaza straddling sites 4 and 5 and community spaces including a reading room in site 2. The provisions equate to in the region of 5% of the overall area. This would accord with the minimum requirement set out in Objective CUO25. Given the provision of community, arts and cultural spaces across the overall site and the extent of existing cultural facilities within the wider context of these lands, it is considered that the proposed development can be

seen to be consistent with Objective CU025 and other Chapter 12 policies and would not contravene materially the development plan provisions in this regard.

- I refer the Board to section 8.7 of my initial report with respect to Moore Street Market. The development, of itself, would not contravene policy CCUV34 of the current plan which seeks the market's protection, renewal and enhancement. I reiterate the view that redevelopment of the site and wider area will necessitate construction works and traffic which, of themselves, will always bring an element of disruption. 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. It will be a matter for the Moore Street Advisory Group (MSAG) in conjunction with the local authority to advocate and encourage the re-establishment of the market on the completion of construction.
- A number of submissions note that the Moore Street ACA has been identified for prioritisation during the lifetime of the plan. The Board is advised that the relevant section of the plan is Section 11.5.2 in which it is stated *such prioritised ACAs are to be progressed over the development plan period subject to a prioritisation programme to be agreed as part of the implementation of the development plan and the availability of resources*. No specific policy or objective is included with respect to the said programme. As I have noted previously that no maps or details are available or information on how it will interface with the adjoining O'Connell Street and Environs ACA. I note that the submission from the planning authority does not give any further details on this matter.
- There are no protected structures within the site.
- As noted above I advise the Board that my reference to policy *CU09 14-17 Moore Street* is incorrect in the 1st addendum report. I confirm that it is a plan objective. Notwithstanding, my comments on the said plan provision remain unaltered.
- A number of submissions consider that the proposal is premature pending the preparation of the LAP for the Strategic Development Regeneration Area 10 –

North East Inner City to which the City Council is committed to preparing during the lifetime of the plan. Whilst referenced in the text of chapter 13 it is not referenced in objective SDRAO1. As clearly enunciated in chapter 13 the SDRA forms an interim strategy and sets out the guiding principles for the LAP which are set out in the objective. I submit that it is against such principles potential development is to be assessed pending the preparation of the LAP. I do not consider that the relevant section can be interpreted as requiring a stay on development until its preparation. As noted in my 1st addendum report I consider that the proposal accords with the guiding principles for the identified key opportunity site.

- A condition requiring the preparation of a Climate Action and Energy Statement is recommended in accordance with the plan provisions as set out in section 15.7.3.

5.0 Recommendation

- 5.1. In conclusion I endorse my recommendation as set out in section 11 of my original report and reiterated in section 5 of my addendum report dated 16th November 2023. Having regard to the totality of the City Development Plan I consider that the proposed development would be consistent with the relevant policies and objectives therein as they pertain to the subject site and the proposed development and would, therefore, be in accordance with the proper planning and sustainable development of the area.
- 5.2. The recommended amendments under the heading Proper Planning and Sustainable Development as detailed in the addendum report remain. In addition, I recommend that a condition be added (No.33) to require a climate action energy statement as follows:

6.0 Conditions

33.	A Climate Action Energy Statement shall be submitted to the planning authority for written agreement prior to commencement of development.
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	Reason: In the interests of climate action and sustainable development.
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Pauline Fitzpatrick
Planning Inspector

July, 2024