



An  
Bord  
Pleanála

## Inspector's Report

### ABP-318268-23

<b>Development</b>	Protected Structure: Refurbishment and reuse of commercial building to include restaurant, apartments, gym, pedestrian link and associated site works.
<b>Location</b>	61 O'Connell Street Upper, Dublin 1
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	5432/22
<b>Applicant(s)</b>	Dublin Central GP Ltd.
<b>Type of Application</b>	Planning permission
<b>Planning Authority Decision</b>	Grant s.t. conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Mary Lou McDonald TD Moore Street Preservation Trust
<b>Observer(s)</b>	Stephen Troy
<b>Date of Site Inspection</b>	10 <sup>th</sup> January, 5 <sup>th</sup> February 2025
<b>Inspector</b>	Mary Kennelly

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## 1.0 Introduction

- 1.1.1. I wish to advise that this application/appeal is one of five appeals which relate to a larger urban site(c.2.2ha) known as *Dublin Central Development*. Of the five appeals, two are currently before the Board, including this one, and three have been decided by the Board but are currently subject to Judicial Review. The Dublin Central Development relates to a larger site made up of several urban blocks which are bounded by Upper O'Connell Street 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, entitled Dublin Central Masterplan, has been prepared for this urban block, which is subdivided horizontally (E-W) by Henry Place and vertically (N-S) by Moore Lane.
- 1.1.2. The Masterplan area comprises a disparate collection of buildings ranging in height from 6-8 storeys and of varying age and architectural quality. It is characterised by a mix of uses including retail, financial services, office, food and beverage as well as several underutilised or vacant sites including carparks, storage depots, service lanes and back lane workshops. The Masterplan area also includes several buildings of heritage value, including Protected Structures, which are mainly located on O'Connell Street and Moore Street, but some additions to the RPS have been made in respect of some properties on Henry Place/Moore Lane. In addition, Henry Place is acknowledged as having played an important role as part of the 'evacuation route' from the GPO during the 1916 Rising.
- 1.1.3. The Masterplan Area has been subdivided into smaller blocks labelled as Sites 1, 2AB, 2C, 3, 4, 5, 6 and No. 61 O'Connell Street Upper, which generally reflect the ownership of lands. The current application/appeal (318268) relates **to No. 61 O'Connell Street Upper**. The application/appeal is being considered concurrently with a further larger site, Site 2 (comprising sites 2AB and 2C), also known as **The Carlton site** (ABP.318316). The proposed development for Site 2 comprises a mixed-use scheme (c.38,479m<sup>2</sup> GFA) ranging in height from 2-8 storeys over single-level basements incorporating office, retail and café-restaurant use including a new street between O'Connell Street Upper and Moore Lane, a new controlled laneway from Moore Lane to Henry St/Moore St, the refurbishment and adaptive re-use of buildings and Metrolink enabling works in the form of a structural box.

- 1.1.4. The three remaining concurrent appeals relate to sites 3, 4 and 5, (Ref. Nos. 312603, 312642 and 313947) respectively, have been reported on by another Inspector and are currently the subject of a Judicial Review. These sites are generally located to the west and southwest of the current appeal site, bounded by Moore Street, Moore Lane and Henry Street. No appeal has been received yet in relation to Site 1, which is located at the north-eastern corner, bounded by Upper O'Connell St and Parnell Street.

## **2.0 Site Location and Description**

- 2.1.1. No. 61 O'Connell Street Upper, which is currently occupied by O'Flanagan's restaurant, comprises a 4-storey over basement mid-terrace building and is a Protected Structure (RPS 6029 Front Façade – commercial premises). The site has rear access onto Henry Place. It is bounded to the north by No. 60 O'Connell Street and to the south by No. 62 O'Connell Street, each of which are Protected Structures (RPS 6028, 6020 - Commercial premises, respectively). The site area is given as 0.02ha. Henry Place is used mainly as a service lane and is fronted by properties that are in a varied state of repair and vary from 1-4 storeys in height.
- 2.1.2. The premises is currently in commercial use with O'Flanagan's Restaurant occupying the ground floor and basement, and the upper floors are used as ancillary space to the restaurant (offices and staff facilities). The building comprises a former Georgian townhouse which has been much altered. The building is also on the NIAH (50010534), listed as being of Regional Importance and of architectural and artistic special interest.
- 2.1.3. The site is located within the Zone of Archaeological Potential for the Historic City of Dublin (RMP Ref. DU018-020). It is therefore subject to statutory protection under Section 12 of the National monuments (Amendment) Act 1994. The site is also located within the O'Connell Street Architectural Conservation Area and is within the O'Connell Street and Environs Special Scheme of Planning Control 2022. The front portion of the site is also within a red hatch conservation area.

### 3.0 Proposed Development

3.1.1. The proposed development comprises the conservation, repair, refurbishment and adaptive reuse of an existing commercial building to include:

- A licensed restaurant/cafe unit with takeaway/collection facility (c.35sq.m GFA) at ground floor level fronting O'Connell Street.
- A licensed restaurant/cafe unit with takeaway/collection facility (c.10sq.m GFA) at ground floor level fronting Henry Place.
- 3 no. 2-bed apartments on the upper floors, from 1st to 3<sup>rd</sup> floor (1 unit per floor).
- 1 no. gym/leisure studio (c. 172sq.m GFA) at basement level.
- The creation of a new pedestrian link through part of the ground floor connecting O'Connell Street upper and Henry Place.
- A bicycle store (8 no. spaces) and a bin storage area at ground floor level to the rear.
- A new shopfront with building signage and a retractable canopy.
- All associated and ancillary site development works, conservation, demolition, landscaping, and temporary works.

3.1.2. The main ground floor shop unit fronts onto O'Connell Street and the proposed kiosk which fronts onto Henry Place is contained in a single-storey extension to the rear. The pedestrian archway linking the two streets is located on the northern side of the café/restaurant units. Access to the apartments will be from the passageway. Access will also be provided to the bike store and a bin store for the residential units and for the cafes from the passageway. It is proposed to clad the passageway in metal sheeting with concealed, integrated lighting and side windows to the front and rear café units fronting onto the passageway, as well as gated control access at night-time. It is intended to form a link with the foyer of the proposed hotel at Site 3 (312603), and the Reading Room at Site 2 (318316), part of the Masterplan area.

- 3.1.3. The application is accompanied by an EIAR and a range of documents including a Planning Report, an Architectural Heritage Impact Assessment, a Housing Quality Assessment, a Sunlight, Shadow and Daylight Analysis

## **4.0 Planning Authority Decision**

### **4.1. Decision**

The planning authority decided to grant permission subject to 17 conditions. These conditions were generally of a standard type. The following conditions are of note:

- Cond. 2 Development Contribution of €15,707.16
- Cond. 3 S49 Contribution (LUAS Cross city) €8,000
- Cond. 4 Conservation Section – sought additional details and samples of works, recording of interior, site samples/exemplars of architectural works and employment of conservation experts. All works to be carried out in accordance with best conservation practice.
- Cond. 5 Details of materials, colours, textures to be submitted in advance.
- Cond. 6 Transport Section – Submission of Demolition Traffic Management Plan and Construction Management Plan, comply with COP for LUAS, 8 no. secure bicycle spaces required.
- Cond. 7 Environmental health – odour control, noise control re plant/extract systems (not exceed LA90 by 5dB(A) (LAeq 5 min at night, 15 mins at day) and no noise at outdoor dining area. Restrictions regarding proposed gym – no audible music at NSL, classes only between 8am and 9pm, floating floor to be installed with adequate levels of isolation at frequencies below 50Hz for weights up to 200g.
- Cond. 8 Archaeology – Historic building survey to be carried out by expert, Pre-construction archaeological assessment, to include testing and monitoring, to be carried out to establish the nature and extent of archaeological material and a method statement to be agreed.



## 4.2. Planning Authority Reports

### 4.2.1. Planning Reports

The Z5 zoning was noted and that the proposed uses were permissible. The various designations (RPS, NIAH, ZAP, ACA and O'Connell Street SSPC) were noted, as was the extensive planning history on the overall lands and in the vicinity of the site. The submissions and observations from third parties and Prescribed Bodies were summarised. The relevant policies set out in the NPF, NDP, RSES for the Eastern and Midland Region and in the Dublin City Development Plan 2022-2028 were highlighted, as well as the relevant sections of the O'Connell Street Scheme of Special Planning Control (2022), and the Shopfront Design Guidelines (2001) and for the O'Connell Street area (2003).

The **Planning Assessment** focussed on the following elements:

- Proposed uses – the proposed includes 294m<sup>2</sup> Residential, 52m<sup>2</sup> Café/restaurant and 206m<sup>2</sup> Leisure, which were considered acceptable in principle, but noted that the O'Connell Street SSPC prohibited outlets selling hot food for consumption off the premises. Whilst the P.A. would not support a fast-food outlet, it was stated that flexibility to enable the developer to attract an end user could be considered subject to an appropriate condition agreeing to the precise end-users prior to first occupation of the units. Clarification was needed in terms of the internal layouts of the restaurant/café uses and of the gym area, as well as demonstration of the viability of the kiosk.
- Apartments - The 2-bed residential units at 70m<sup>2</sup> per apartment were noted as being below the Apartment Guidelines recommended standard of 73m<sup>2</sup>. However, several CDP policies allow for flexibility where the units meet other standards and involve refurbishment of a Protected Structure, living over the shop and bring a vacant building back into use. These factors apply here and the HQA demonstrates that all units are dual aspect and meet the minimum storage standards. No private open space is provided, however, and the applicant has justified this on the basis that the introduction of balconies would be an inappropriate addition to the PS and that the site is within close walking distance to many amenities in the city centre.

- New shopfront – it is noted that the existing shopfront is poorly executed with an overly deep fascia which detracts from the character of the building, and the proposed shopfront is considered to be a significant improvement. However, there was some concern regarding the fact that the AHIA had noted that there has been no investigative work undertaken to establish whether there is any historic fabric associated with the earlier Edwardian shopfront present underneath. It was also noted that the AHIA description had been based on the previous CDP listing for the PS of ‘upper floor of façade’, which has recently been extended to the full façade. It was considered that this matter needed further investigation.
- Materials and finishes – the proposals to utilise as much of the existing building fabric and historic fabric as possible was welcomed. It was suggested that a panel of sample materials be erected on site to agree the colour, tone and texture of materials to be used.
- New passageway – this will involve the removal of internal building fabric to create the passageway. However, the AHIA stated that the only surviving elements are the floor and the chimneybreast. Options to retain the chimney breast were explored, but this would have resulted in undue restriction of the width of the passageway. The P.A. is concerned regarding control of access to the passageway.
- Dublin City Development Plan 2022-2028 – the applicant’s submitted Planning Report and related documents, (including the EIAR and the AHIA), refer to the 2016 CDP and need to be updated, particularly in respect of the revised Protected Structure record, which has extended the protection of No. 61 from the upper front façade to the entire façade.
- Sunlight, shadow and daylight analysis – the submitted study was noted. As the proposed development will not alter the building form, there will be no impact on neighbouring properties. In respect of the proposed residential units, it was noted that all bedroom spaces and all kitchen/living spaces, apart from the first-floor unit, would meet the sunlight standards. The FF unit would not meet the 1.5 hours standard once the Site 3 Hotel is completed but would achieve 66% of the requirement. However, it was considered that this should

be balanced against the need to retain as much historic building fabric as possible and the fact that the site is part of a significant regeneration project.

- Moore Street Markets – it was acknowledged that there had been a considerable level of concern raised in third party submissions regarding the impacts on the markets arising from the wider masterplan area, but it was noted that these principally related to the effects of the construction period and to matters outside of the planning process. It was also noted that the applicant had justified the loss of amenity in terms of the long-term benefits arising from increased permeability, enhanced public realm and significant increases in footfall through the area, which would benefit the markets and the livelihoods of the retailers in the area.

#### 4.2.2. Other Technical Reports

##### Conservation Section

- Principle - The retention and adaptive reuse of the building was strongly welcomed, but the fact that the pertinent information relating to the property is scattered throughout the large volume of technical documents submitted with the application, rather than being contained in a single document relating to the site, was criticised.
- Archway and shopfront - The design of the shopfront was considered to be inappropriate as it was believed to be unrelated to the Protected Structure within which it sits and would be contrary to the advice in the AHPG and the policies for O'Connell Street (ACA and Special Planning Control Scheme. The inclusion of the passageway was considered to be unacceptable as it would have a particularly adverse effect on the character of the PS. Although the existing shopfront is of a later date, there is some evidence that part of the original shopfront exists underneath, but the proposed arch would remove any surviving traces of the Edwardian shopfront.
- However, the building is of considerable importance as one of the few surviving Georgian houses on O'Connell Street, and as such the retention of as much as possible of its integrity is central to the safeguarding of its special character and its continued contribution to the ACA. The archway would significantly affect an already compromised ground floor. The objective to

increase permeability between O'Connell Street and Henry Place is acknowledged, but it should also be recognised that the Protected status of the façade has recently been extended to include the shopfront and the ground floor level. It was recommended that the archway be omitted, and the shopfront design be reconsidered to ensure that all surviving historic fabric is incorporated into the design.

- Windows – Confirmation was sought as to whether the windows at second floor level are original/historic and a condition survey of the windows in the property is required together with a repair strategy. A full set of 1:20 drawings is also required for all new windows with specific items, e.g. glazing bars, at 1:5. All replacements must be historically correct, and the first-floor windows should be replaced at full height.
- Internal floor plan – it is acknowledged that only the façade is protected and that much of the interior has been altered with later intervention and that internal subdivision is necessary for the adaptation of the building to the new uses. However, the manner in which this is proposed is unacceptable. The introduction of partitions in the apartments which truncate chimneybreasts and the placement of kitchen fittings across chimney breasts is inappropriate and contravenes Policy BHA2 which requires respect for the internal floor plans including spaces, features and fittings, and is also contrary to Architectural Heritage Protection Guidelines 11.2.1.
- Rear elevation – submitted drawings at an insufficient scale needs to be addressed and ensure legibility of the 1916 Battlefield site by retaining a sense of enclosure along the laneway, as the rear of No. 61 forms a key junction of the evacuation route.

**The Area Planner** noted the concerns of the CO regarding the loss of historic fabric (as summarised above). However, it was considered that significant alteration and intervention had already occurred at GF level and that the alterations to form the passageway should be seen in the context of the wider benefits of the masterplan to improve permeability and the public realm in accordance with the objectives of the SDRA10. Given the expanded protection status including the shopfront, the applicant

should be required to investigate further and determine the extent of historic fabric that is present.

**Archaeology** – Additional information requested. It was noted from the architectural heritage assessment that the basement slab is to be tested to establish its age and that it is proposed to install a lift to the basement which did not form part of the submitted plans. A number of unusual architectural features were also noted including the potential for early fabric to be present in the chimney stack and for the building to have originally been a ‘gabled Dutch Billy’, which would be of archaeological as well as architectural significance. Concern was expressed regarding the proposals to remove the chimney breast forming part of the chimney stack (as referenced above).

Given the archaeological potential of the area, mitigation will be required for any works below the current basement depth. It is recommended that archaeological testing take place as part of the basement works. In addition, due to the possibility of early fabric of archaeological interest surviving within the building, the structure should be subject to a historic building survey prior to a planning decision to establish an understanding of the building and its significance.

**The Area Planner** considered that the matters outlined above could be addressed as a request for FI.

**Transportation Planning** – no objection subject to conditions.

**Drainage** – no objection subject to conditions

**Environmental Health Officer** – no objection subject to conditions.

#### 4.3. **Prescribed Bodies**

- 4.3.1. **Transport Infrastructure Ireland** – no objection, subject to a condition requiring a financial contribution under the Section 49 Levy Scheme for Light Rail.

#### 4.4. **Third Party Observations**

- 4.4.1. The submissions and observations by third parties were taken into consideration and were summarised under the following headings:

### 1916 Rising

The proposed development fails to recognise the importance of the site as the last battle of the 1916 rising including the evacuation route from the GPO.

### Impact of new development

The need for a new access through the protected structure is questioned given the proposed new street. The overall development of the lands would impact on the National Monument. The proposed development is out of scale with the existing development and would radically change the street hierarchy and adversely affect the historic character of the network of lanes.

### Construction impacts

Impacts from noise, dust and traffic will have a negative impact on street traders and retailers in the area, with a significant loss of trade. Moore Street and O'Connell Street Upper will become 'no-go areas.'

### Moore Street

The proposed development and other proposals fail to recognise the Moore Street area as a group of buildings of special architectural, historical, archaeological, technical, social, cultural or scientific interest or that it contributes to the appreciation of a protected structure. The proposed development will erase Moore Street's unique plot grains and courtyards which gives the site its historic core, differentiating it from other competing locations nationally and internationally. It fails to comply with the CDP policies to support the preservation of the historic terrace of 10-25 Moore St.

### Archaeology

As the site lies partially within the protected Zone of Archaeological Potential for Dublin, a full archaeological dig should take place on site.

### Application/Process/Duration

The proposed planning duration of 11 years is unacceptable and would set an undesirable precedent for other developments and lead to disorderly development of the city. A 3D model has not been submitted but is required to show the streetscapes across all 6 sites in the masterplan area. Failure to mention recent additions to the register of protected structures.

#### 4.5. Further Information

4.5.1. A Request for Further Information was issued on the **17<sup>th</sup> February 2023**.

1. Need to update EIAR and AHIA to reflect the changes to the list of Protected Structures and to re-evaluate the impacts on the protected structures having regard to these updates.
2. Having regard to item 1, the need to undertake the necessary site investigations in order to determine if historic fabric is present that could form part of a restored shopfront.
3. The P.A. has concerns regarding the control of access to the passageway. Further information needed regarding how this will be controlled. In addition, the viability of the kiosk to be provided.
4. Conservation Section requested contiguous elevations (front and rear), revised drawings/details showing incorporation of historic fabric (item 2), confirmation re presence of historic windows, together with a conditions survey, repair strategy and detailed drawing of glazing bars. Historically correct sash windows must be used, and first floor full height windows should be replaced at the front. Revised floor plans showing a greater retention of the integrity of the historic layout. Detailed drawings (1:50) of the rear elevation showing all interventions and detailing including a legible sense of enclosure.
5. Archaeology – submit a Historic Building Survey to be undertaken by a suitably qualified architectural historian.

4.5.2. The applicant submitted its **response** on the **28<sup>th</sup> July 2023**. Significant Further information of Revised Plans and Notices were issued. The responses to the request may be summarised as follows:

1. Updated EIAR – an updated AHIA was submitted which was based on the revised RPS description of the building/front façade. The relevant sections of the EIAR were also updated. Based on a visual inspection, it was confirmed that there is no evidence of historic fabric present. However, the remote possibility of historic fabric being embedded surviving at junctions with the party walls will be investigated on removal of the shopfront. *The P.A. was satisfied with the response.*

2. Historic fabric concealed behind later linings – It is not possible to carry out an invasive physical survey at present as the restaurant is currently occupied. It is reiterated that the building has been extensively modernised, but any surviving historic fabric will be retained, and a final measured and photographic record will be made. *The P.A. was satisfied with the response.*
3. Control of access to passageway and viability of kiosk – it is stated that access to the archway will be controlled by means of security gates at nighttime for residents only. A report by Bannon Property consultants was submitted in response to the item on viability of the two units. It is stated that the units are designed to maximise the benefits from footfall through the archway and along Henry Place, which is predicted to increase significantly in the Space Syntax Report. The main unit (35m<sup>2</sup>) would benefit from its position on O'Connell Street and proximity to the Metrolink station while the kiosk (11m<sup>2</sup>) will provide an active frontage to Henry Place. The operating performance is expected to improve over time as the other sites within the Dublin Central Masterplan are developed, especially the Hotel at Site 3. Solid demand is anticipated for the units. *The P.A. was satisfied with the response.*
4. Conservation matters – the applicant responded to the request:
  - (a) the contiguous elevations were provided and were satisfactory.
  - (b) additional information provided including photographic evidence which demonstrated that there is little of historic merit present behind the shopfront. The revised shopfront was accepted in principle subject to the submission of samples.
  - (c) A survey of the existing windows was provided indicating that no original windows survive. A question arose regarding early 20<sup>th</sup> century windows on the second floor as to whether they would be retained, and if not, clear justification should be provided.
  - (d) The proposed reinstatement of the historic proportions of the windows at FF level to the front was welcomed. Clarification was required as to whether the windows are to be putty fixed in advance of works commencing. Details of the slim-line glazing to be provided and agreed with the P.A.



(e) Revised floor plan drawings were submitted and considered satisfactory. Following stripping out of the interior, an inventory accompanied by photographs of uncovered historic elements to be submitted to P.A. The proposed breathable insulation to the interior to be agreed with the P.A.

(f) Revised drawings of the rear elevation were submitted and considered satisfactory.

Confusion remained regarding the render to be applied to the rear elevation as there is a discrepancy between drawings and AHIA regarding the retention of cement render or the application of lime render. The CO's preference is for the cement render to be removed, and a lime render applied. This needs to be clarified. *The P.A. was satisfied with the response overall, subject to conditions.*

5. Archaeological matters – it has not been possible to carry out a Historic Building survey as this would cause an unacceptable level of disruption to the current occupiers. The P.A. considered that this could be conditioned. In addition, it has been established that there is potential for sub-surface archaeology to survive beneath the basement, which is to be excavated to facilitate the installation of a lift pit (as identified in the Archaeological Assessment submitted with the application). A condition requiring archaeological testing is therefore required. *The P.A. was satisfied with the response overall, subject to conditions.*

6. Updated EIAR – it was pointed out that most of the updates to the EIAR related to changes required in respect of the proposed development of Site 2. The main changes to the EIAR in respect of No. 61 O'Connell Street Upper relate to the Cultural Heritage chapters (architectural and archaeological) and primarily relate to the changes to the CDP and RPS. *The P.A. was satisfied with the response overall, subject to conditions.*

4.5.3. One further third-party submission was received following readvertisement. The issues raised were broadly similar to those raised in the initial submissions. It was stated that the proposed commercial units would not be viable due to the passageway being periodically locked.

## 5.0 Planning History

5.1. There is an extensive history relating to the site and surroundings. I refer the Board to the summary provided in the planning authority planning reports on the file. The following planning decisions are of particular relevance:

### 5.2. ***Subject site/masterplan area***

5.2.1. **PL29N.232347 (247/08)** – permission granted in 2010 for a mixed-use development comprising the redevelopment of the majority of the site covered by Dublin Central Development Masterplan. This development proposal included demolition of buildings, provision of retail, residential, office, gallery/cultural and commemorative centre in buildings ranging from 3-6 storeys over three levels of enclosed basement parking. It also proposed the creation of 2 new streets and 3 no. public spaces. Permission was granted following receipt of significant Further Information by the Board which included revisions to the scheme including elimination of the iconic sky building with sloping roof garden and the retention of several historic buildings. The permission was granted for seven years, and an extension of duration was granted under Reg. Ref. 2479/08 X1 for a further five years. This planning permission expired in May 2022.

**ABP.318316 (5126/22) - Site 2 (Nos. 43-58 O'Connell Street Upper, No. 60A O'Connell Street and Rear nos. 59-60 O'Connell Street, Nos 13, 14, 14-15 Moore Lane and public realm associated with O'Rahilly Parade, Moore Lane and Henry Place** – concurrent application (part of Masterplan for Dublin Central lands) for mixed use development contained within two new buildings (2AB and 2C, totalling c.38,479m<sup>2</sup>) ranging in height from 2-8 storeys over single level basements, Metrolink Enabling Works to provide for metro station structural box underneath Site 2, new street linking O'Connell Street with Moore Lane and new controlled laneway adjacent to No. 42 O'Connell Street. The proposal involves the retention of the Protected facades at Nos. 43, 44, 52-54, 57 and 58 O'Connell Street Upper, the retention of No. 45 O'Connell Street Upper and of the Reading Room to the rear of No. 59 O'Connell Street Upper and the provision of a public square at the junction of Henry Place and Moore Lane. The proposal also includes the demolition of all other existing buildings (c.22,521m<sup>2</sup>). This application is currently before the Board.

**ABP.312603-22 (2861/21) – Site 3 - (36-41 Henry Street, 1-9 Moore St. 3-13 Henry Place, Clarke’s Court, Mulligan Lane)** – Planning permission granted on appeal by the Board, upholding the decision by the P.A. to grant permission, for a mixed-use development (15,842m<sup>2</sup>) comprising hotel, retail, café/restaurant, Build-to-Rent apartments and a Cultural Building in 2 blocks ranging from 1-9 storeys in height over 2 basements. ***The Board’s decision is currently subject to a Judicial Review.***

**ABP.312642-22 (2862/21) – Site 4 – (10-13 Moore St, 18-21 Moore St, 5A, 6-7 and 10-12 Moore Lane, 17-18 Henry Place)** – Planning permission granted on appeal by the Board, upholding the decision of the P.A. to grant permission for a mixed-use development comprising 15 no. apartments, retail units, café/restaurant/take-away, cultural use and office including 3-storey extension to the National Monument, a public plaza and archway between 20 Moore Street and the extension and a 2-storey building to the rear of the National Monument. ***The Board’s decision is currently subject to a Judicial Review.***

**ABP.313947-22 (2863/21) – Site 5 – (13-14 Moore Lane, 22-25 Moore Street)** – Planning permission granted by the Board on appeal, upholding the decision of the P.A. to grant permission for a mixed-use building of 2-6 storeys comprising offices and a café and incorporating a public plaza. ***The Board’s decision is currently subject to a Judicial Review.***

**ABP.316104-23 – Rear of Nos. 46-49 O’Connell Street Upper** – Permission granted by the Board for the retention and continued use of commercial car park on 20/7/23 for a period of four years.

**ABP.314724 – Railway (Metrolink – Estuary to Charlemont via Dublin Airport) Order [2022] – Strategic Infrastructure Development** – Case is currently with the Board and pending a decision. The site includes a ‘structural box’ to facilitate the independent construction works relating to this SID.

### 5.3. ***On nearby sites***

**ABP.303553 and ABP.305470** – 7-storey hotel development at Nos. 17 -19 Moore Lane. Permission granted in May 2019 to increase number of bedrooms to 141 and a further permission was granted to amend the proposal with an additional 33 bedrooms to be accommodated in 2 additional recessed floors.

**ABP.302881** – Parnell Square North - Parnell Street Cultural Quarter and City Library approved by the Board in 2019.

**ABP.302881 (2479/20)** – Jervis Centre – introduction of residential/co-living and offices – granted 14/1/21.

**3304/18** – 30 Moore Street – permission granted for 7-storey over basement aparthotel with retail at GF level and a recessed 6<sup>th</sup> floor terrace overlooking Moore Lane.

**3442/16** – Clery's Hotel 18-27 O'Connell Street Lower – 3 retail units and large hotel development. Amended by 3933/19.

**PL29.249332** – Lidl Permission granted for alterations to supermarket in March 2018.

## 6.0 Policy Context

### 6.1. National Policy and Guidelines

- **National Planning Framework (2040)** – The focus is on increased densities and building heights in appropriate urban locations, particularly where large regeneration and redevelopment projects are involved on underutilised lands within the canals and the M50 ring. Relevant National Policy Objectives include:

**NPO 4** – Create attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

**NPO 5** – Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity.

**NPO 6** – Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

**NPO 11** – There will be a presumption in favour of development that can encourage more people and generate more jobs and activities within existing cities, towns and villages s.t. meeting appropriate planning standards and achieving targeted growth.

**NPO 13** – in urban areas, planning and related standards including building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerances that enables alternative solutions to achieve stated outcomes, provided that public safety is not compromised, and the environment is suitably protected.

**NPO 35** – Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

**NPO 60** – Conserve and enhance the rich qualities of natural and cultural heritage of Ireland in a manner appropriate to their significance.

- **Architectural Heritage Protection Guidelines for Planning Authorities (2011)** - These guidelines include advice on appropriate development within Architectural Conservation Areas and for Protected Structures and their settings.
- **Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018 as amended)** - The purpose of these guidelines is to balance the achievement of high-quality apartment development with a significant increase in the overall level of apartment output. They provide guidance on matters such as locational considerations, mix of units, internal space standards, dual aspect, floor-to-ceiling heights, apartments to stair/lift core ratios, storage space, room dimensions, amenity spaces and car parking. The Guidelines are issued under Section 28, and the Board is required to have regard to them. In particular, the Specific Planning Policy Requirements (SPPRs) contained in the guidelines take precedence over any conflicting policy contained in development plans or local area plans.

Identification of suitable locations is guided by 2.4. which highlights three types of location, namely Central/Accessible Urban Locations, Intermediate Urban Locations and Peripheral/Less Accessible Locations. The central locations (suitable for the highest density) are generally within easy walking distance of city centres/significant employment zones or high quality/frequency public transport and the Intermediate zones are suitable for smaller scale but higher density developments (>45dw/ha) and will be located within reasonable walking distance of principal town/suburban centres or employment locations or high quality/frequency public transport. The requirements set out in the SPPRs and in Appendix 1 of the Guidelines will be discussed in more detail in the assessment section of this report, where relevant.

- **Sustainable Residential Development and compact Settlement Guidelines for Planning authorities (2024)** These guidelines came into effect in January 2024 and replaced the Sustainable Residential Development in Urban Areas Guidelines (2009). The decision by the planning authority was made on the 27<sup>th</sup> September 2023 and the appeal was lodged with the Board on the 18<sup>th</sup> October 2023.

The **2024 Guidelines** support the application of densities that respond to settlement size and to different place contexts within each settlement recognising the differences between cities, large towns and smaller towns and villages. They also allow for greater flexibility in residential design standards. Whilst the 2009 Guidelines promoted a 3-tiered approach to residential density, with densities of up to 35 dw/ha in smaller towns, 35-50 dw/ha in outer suburbs of larger towns and cities and 50dph in more central urban locations, the 2024 Guidelines have expanded the density bands to ensure that they are tailored to settlement contexts.

**Table 3.1** states that the city centres of Dublin and Cork, comprising the city core and immediately surrounding neighbourhoods, are the most central and accessible urban locations nationally with the greatest intensity of land uses, including higher order employment, recreation, cultural, education, commercial and retail uses. It is a policy and objective of these Guidelines that

residential densities in the range 100 dph to 300 dph (net) shall generally be applied in the centres of Dublin and Cork.

In respect of City Urban Neighbourhoods, (Table 3.1) it is stated that

The city urban neighbourhoods category includes:

- (i) the compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses,
- (ii) strategic and sustainable development locations,
- (iii) town centres designated in a statutory development plan, and
- (iv) lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) – all within the city and suburbs area.

These are highly accessible urban locations with good access to employment, education and institutional uses and public transport. It is a policy and objective of these Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork.

## 6.2. Regional Policy

- 6.2.1. Regional Spatial and Economic Strategy for the Eastern and Midland Region (2019-2031), which includes the Dublin Metropolitan Area Strategic Plan (MASP). Relevant policies include:

**RSO 2** – Compact Growth and Urban Regeneration.

**RPO 4.3** – Consolidation and Re-intensification of infill/brownfield sites.

**RPO 5.2** – Support the delivery of key sustainable transport projects including Metrolink, DART and LUAS expansion programmes.

**RPO 9.30** – Support the sensitive reuse of protected structures.

To achieve the vision for MASP, a number of Guiding Principles for the sustainable development of the Dublin Metropolitan Area are identified, including 'Compact sustainable growth and accelerated housing delivery'.

### 6.3. Development Plan

6.3.1. The current statutory plan is the **Dublin City Development Plan 2022-2028**, which came into effect on the 14<sup>th</sup> December 2022 and the planning authority decision was based on this Plan.

6.3.2. The site is **zoned Z5 City Centre** 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.”

It is stated (14.7.5) that the primary purpose of this use zone is to sustain life within the centre of the city through intensive mixed-use development. Permissible uses under the land use zoning objective include residential, retail, office, café, restaurant and cultural/recreational uses.

6.3.3. **Chapter 4 – Shape and Structure of the City** seeks to achieve a high quality, sustainable urban environment, which is attractive to residents, workers and visitors. Relevant policies include

**SC3 – Mixed Use Development** – promote mixed-use including high quality sustainable residential development.

**SC5 – Urban Design and Architectural Principles** – promote the urban design and architectural principles in Chapter 15 and in the Dublin City Public Realm Strategy 2012, in order to achieve a climate resilient, quality, compact, well-connected city and to ensure that Dublin is a healthy and attractive city in which to live, work visit and study.

**SC12 – Housing Mix** - To promote a variety of housing and apartment types and sizes, as well as tenure diversity and mix, which will create both a distinctive sense of place in particular areas and neighbourhoods, including coherent streets and open spaces and provides for communities to thrive.

**SC22 – Historical Architectural Character** - To promote understanding of the city’s historical architectural character to facilitate new development which is in harmony with the city’s historical spaces and structures.

**4.5.6 The Public Realm** - proposals to create a new cultural quarter at Parnell Square, to include the relocation of the City Library from the ILAC Centre, redevelop



Moore St. And its environs... will significantly expand the public's perception of the city core and will create new destination points in the city.

- 6.3.4. **Chapter 5 – Quality Housing and Sustainable Neighbourhoods** seeks to create a compact city with sustainable neighbourhoods. This requires the provision of quality homes and sustainable community facilities and amenities which meet the needs of communities and contribute to the making of good, connected neighbourhoods. The plan also promotes the principles of the 15-minute city.

**QHSN 7 – Upper Floors** – to resist, and where the opportunity arises, to reverse the loss of residential use on upper floors and actively support proposals that retain or bring upper floors into residential use in order to revitalise the social and physical fabric of the city through measures such as the Living City Initiative.

**QHSN 8 – Reduction of Vacancy** - to promote measures to reduce vacancy and under use of existing building stock and to support the refurbishment and retrofitting of existing buildings, including Dublin City Council's Estate Renewal Programme.

**QHSN 10 – Urban Density** - To promote residential development at sustainable densities throughout the city in accordance with the Core Strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

**QHSN 36 – High Quality Apartment Development** - To promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood.

**QHSN 37 – Houses and Apartments** – to ensure that new houses and apartments provide for the needs of family accommodation with a satisfactory level of residential amenity in accordance with the standards for residential accommodation.

**QHSN 38 – Housing and Apartment Mix** - to encourage and foster the creation of attractive, mixed-use, sustainable residential communities which contain a wide range of housing and apartment types, sizes and tenures, in accordance with the Housing Strategy and HNDA, with supporting community facilities and residential

amenities. Further detail in regard to unit mix is set out in Chapter 15: Development Standards. Unit mix requirements for the Liberties and the North Inner City are set out in section 15.9.1 and Table 37 of the Housing Strategy in Appendix 1.

- 6.3.5. **Chapter 6 City Economy and Enterprise** seeks to encourage balanced economic investment with an increased focus on liveability, enhanced public realm and mobility measures.

**CEE 8 – The City Centre** - To support the development of a vibrant mix of office, retail, tourism related and cultural activities in the city centre and to facilitate the regeneration and development of key potential growth areas such as Diageo lands, St. James's Healthcare Campus and TU Dublin Campus at Grangegorman.

**6.5.5 Regeneration and Vacancy** – the expedient redevelopment of extensive vacant/under-utilised sites, especially in the city centre, is critical to sustainable development. Putting in place a critical mass of investment and development in the short-term is essential to break the negative cycle of underdevelopment and to overcome the barriers to progress that have existed. Relevant policies include

**CEE 19 Regeneration Areas** – To promote and facilitate the transformation of SDRAs as a key policy priority and opportunity to improve the attractiveness and competitiveness of the city including by promoting high-quality public and private investment.

**CEE 20 Vacant sites** – To engage pro-actively with landowners/potential developers to encourage early and high-quality redevelopment of such sites or rehabilitation of vacant and under-used buildings.

- 6.3.6. **Chapter 7 - The City Centre, Urban Villages and Retail** – the strategic approach (7.4) includes providing for a vibrant mix of shopping, leisure, office and residential uses, third spaces and family friendly attractions in the city centre in order to offer shoppers an experience and a depth of offer that attracts suburban shoppers/workers/tourists etc. to socialise and spend time in the city centre. In addition, the importance of placemaking and providing an attractive public realm is recognised in terms of its contribution to supporting city centre retail, enhanced pedestrian amenities and developing the city centre as a key destination.

**The Retail Strategy for the Greater Dublin Area (2008-2016)** is recognised as being out of date and it is stated that it will be replaced in due course. In the meantime, the retail strategy for the city will be guided by the RSES for the Eastern and Midland Area (2019) and it is stated that a temporary ‘Retail Strategy’ has been drawn up which is included at Appendix 2 of the current Dublin City Development Plan (2022).

### **7.5.2 Primacy of the City Centre and Retail Core Area**

The site is located within the City Centre Retail Core Area (Fig. 7-1 and 7-2). **Henry Street** is designated as a **Category 1 Shopping Street** and **O’Connell Street, Moore Street and Parnell Street** are designated as **Category 2 Shopping Streets**. The purpose of the Category 1 designation is to protect the primary retail function of these streets with an emphasis on higher order comparison retail. The purpose of the Category 2 designation is to provide for a mix of retail and other complementary uses which will increase shopper dwell time in the city. Relevant retail policies include

- CCUV1 Retail Planning Guidelines** – have regard to these guidelines when assessing retail-related planning applications
- CCUV12 Shopfront Design** – promote the principles of good shopfront design as set out in Shopfront Design Guidelines and achieve high quality design and finish for replacement shopfront signage and advertising.
- CCUV15 Premier Shopping Area** – affirm and maintain the status of the city centre retail core as the premier shopping area of the State
- CCUV16 Category 1 and Category 2 Streets** – to protect the primary function of these streets and to promote active uses at street level.
- CCUV17 Diversifying the City Centre** – to protect the resilience of the city centre to changing trends, provide for appropriate opportunities for further diversification of the City as a place to live, work and socialise.
- CCUV05 Underutilised and Inactive City Centre Streets** – reactivate these streets and lanes through the inclusion of art, landscaping, street furniture, outdoor dining, activity spaces and residential uses.

**7.5.6 Food and Beverage Sector/Markets** – these uses play a vital role in supporting the visitor economy, providing local employment and contributing to the city’s vitality. Moore Street Market is highlighted as one which has the potential to provide major visitor attractions in the city and local amenities for the communities that they serve. Relevant policies include:

**CCUV30 Cafes/Restaurants** – promote/facilitate provision of cafes/restaurants

**CCUV31 Food and Beverage Clusters** – support emerging F&B clusters in CC

**CCUV32 Outdoor dining** – support proposals for outdoor dining from premises where appropriate to pedestrian/traffic conditions.

**CCUV33 Support for Markets** – 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.

**CCUV34 Moore Street Market** – Recognise the importance of this market to the history and culture of the city and ensure its protection, renewal and enhancement in co-operation with the traders.

**7.5.7 Evening and Nighttime Economy** – recognise the role of these uses which contribute to the vitality and vibrancy of the city centre and contributes positively to the visitor experience and local economy. Policies **CCUV35** and **CCUV36** refer.

**7.5.8 Public Realm** – recognises the important role that the public realm plays in how people experience the city in terms of its attractiveness as a place to live, work and visit. Reference is made to the Public Realm Strategy 2012 which sets out guiding principles to support the delivery of a quality public realm that is safe to navigate. Policies include **CCUV37, CCUV38, CCUV39, CCUV40, CCUV41, CCUV42 and CCUV44.**

Objectives include:

**CCUVO18 Streets and Lanes Dublin 1** – implement projects arising from the Reimagining Dublin One Laneways study.

### 6.3.7. Chapter 11 – Built Heritage and Archaeology –

#### **BHA2 Development of Protected Structures**

That development will conserve and enhance protected structures and their curtilage and will:

- (a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.
- (b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- (c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.
- (d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.
- (c) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure.
- (d) Respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.
- (e) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.
- (f) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.

- (g) Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.
- (h) Have regard to ecological considerations for example, protection of species such as bats.

**BHA 3 – Loss of Protected Structures** – the total or substantial loss of protected structures will be resisted in all but exceptional circumstances.

**BHA 5 – Demolition of Regional Rated Building on NIAH** – there is a presumption against the demolition of such buildings unless it is clearly justified in a written conservation assessment that the building has no special interest and is not suitable for addition to the Council's RPS.

**11.5.2 Architectural Conservation Areas** - ACAs are designated in recognition of their special interest or unique historic and architectural character, and important contribution to the heritage of the city. This character is often derived from the cumulative impact of the area's buildings, their setting, landscape and other locally important features which developed gradually over time. The site is located within **the O'Connell Street ACA**. Relevant policies include –

**BHA 7 - Architectural Conservation Areas** – seeks to protect the special interest and character of all areas which have been designated as an ACA. Development within or affecting an ACA 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. Best conservation practice must be used and all trees which contribute to the character and appearance of an ACA will be safeguarded except where a tree is a threat to public safety and/or prevents universal access.

**BHA 8 – Demolition in an ACA** – there is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of the ACA except in exceptional circumstances where such loss would also contribute to a significant public benefit.

The site is also located within the red-hatched Conservation Area.

- 6.3.8. **11.5.3. Z2 and Z8 Zonings and Red-Hatched Conservation Areas** - Whilst red-line conservation areas do not have a statutory basis in the same manner as

protected structures or ACAs, they are recognised as areas that have conservation merit and importance and warrant protection through zoning and policy application.

They include extensive groupings of buildings, streetscapes and associated open spaces and include (parts of) the medieval/walled city, the Georgian Core, the 19th and 20th century city, and the city quays, rivers and canals. The special interest/value of Conservation Areas lies in the historic and architectural interest and the design and scale of these areas. Therefore, all of these areas require special care in terms of development proposals. The City Council will encourage development which enhances the setting and character of Conservation Areas.

As with Architectural Conservation Areas, there is a general presumption against development which would involve the loss of a building of conservation or historic merit within the Conservation Areas or that contributes to the overall setting, character and streetscape of the Conservation Area. Such proposals will require detailed justification from a viability, heritage, and sustainability perspective.

**BHA 9 – Conservation Areas** - To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. 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.

**BHA 10 – Demolition in Conservation Areas** - There is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of a Conservation Area, except in exceptional circumstances where such loss would also contribute to a significant public benefit.

**BHA 11 – Rehabilitation and Reuse of Existing Older Buildings**

- (a) To retain, where appropriate, and encourage the rehabilitation and suitable adaptive reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape in preference to their demolition and redevelopment.

- (b) Encourage the retention and or reinstatement of original fabric of our historic building stock such as windows, doors, roof coverings, shopfront (including signage and associated features), pub fronts and other significant features.
- (c) Ensure that appropriate materials are used to carry out any repairs to the historic fabric.

### **BHA 15 Twentieth Century Buildings and Structures**

- (a) To encourage the appropriate development of exemplar 20th century buildings and structures to ensure their character is not compromised.
- (b) To encourage the retention and reinstatement of internal and external features that contribute to the character of exemplar 20th century buildings such as roofscapes, boundary treatments, fenestration patterns, materials and other features fixtures and fittings including furniture and artwork considered worthy of retention.

**BHA24 Reuse and Refurbishment of Historic Buildings** - Careful refurbishment of the historic built environment to be positively encouraged and facilitated for sustainable and economic uses.

**Archaeological Heritage Policy BHA 26** – Protect and Preserve Monuments and Places (on RMP).

- To protect archaeological material in situ by ensuring that only minimal impact on archaeological layers is allowed, by way of re-use of standing buildings, the construction of light buildings, low impact foundation design, or the omission of basements.
- To seek the preservation in situ of all archaeological monuments and other archaeological features, or as a minimum preservation by record.
- Where development proposals are located within the RMP, sites of over 0.5ha with potential underwater impacts and site on the Industrial Heritage Record will be subject to consultation with the City Archaeologist.

**BHA30 Moore Street National Monument** – To co-operate with, and facilitate, the State in its preservation of the National Monument at 14-17 Moore Street on a joint-venture basis, and to support the retention and refurbishment of the cultural quarter



associated with 1916 on Moore Street and taking account of the contents and relevant recommendations of the Moore Street Advisory Group Report to the Minister for Heritage and Electoral Reform and the Minister's response.

### **Priority Architectural Conservation Areas**

Several ACAs have been identified for prioritisation during the Plan period, including Moore Street (11.5.2).

#### **6.3.9. Chapter 13 Strategic Development Regeneration Areas (SDRAs)**

**Objective SDRA01** 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 overarching principles including the following:

- **Architectural and urban design** - Achieve the highest architectural quality and adhere to key architectural and urban design principles.
- **Phasing** - Development in accordance with agreed phasing plans.
- **Access and Permeability** - Ensure adequate permeability and connectivity through high quality public realm and walking/cycling infrastructure.
- **Height** - Achieve appropriate height and scale of development with no adverse impacts on residential amenities of neighbouring development and adhere to performance criteria in Appendix 3.
- **Urban greening and biodiversity** - Integrate development with greening and biodiversity initiatives.
- **Surface water management** - Provide sustainable surface water management measures.

#### **6.3.10. The site is within SDRA 10 – North-East Inner City**

Given the significance of this area and its re-generational potential, Dublin City Council is committed to preparing a Local Area Plan for this SDRA during the lifetime of this development plan, and therefore, this SDRA forms an interim strategy and sets guiding principles for the LAP.

The NEIC is rich in heritage with a number of significant cultural and historical attractions. It also has excellent public transport connectivity. However, it has also a history of socio-economic deprivation and is identified as being in need of both social and economic regeneration. The area is undergoing transformation with a number of initiatives being implemented on foot of the Mulvey Report entitled 'Creating a Brighter Future'. The area has also recently received funding for a number of projects under the Urban and Regional Development Fund (URDF) including public realm works at Parnell Square, Moore Street, the Five Lamps and also **restoration works of Moore Street** and Mountjoy Square.

The main focus will be on the regeneration of identified key sites in accordance with site briefs.

#### 6.3.11. **Guiding Principles for Key Opportunity Sites**

##### **O'Connell Street/Moore Street Civic/Cultural Hub 1 – O'Connell Street to Moore Lane incorporating Carlton Site**

This 2.2ha site incorporates buildings extending from O'Connell Street, Ireland's premier street, to Moore Street, Including Moore Lane, O'Rahilly Parade, Henry St. North and Henry Place. It is identified within the Guiding Principles Map as a civic/cultural hub because of both its historical and cultural importance and because of its potential as a focus for quality retail and mixed-use development. The site is of significant historical importance given its association with the 1916 Easter Rising. Moore Street is also well known for its open-air fruit and vegetable market. The area has the potential to be transformed through heritage-led mixed-use regeneration that acknowledges and responds creatively to the cultural roles and historical significance of this centrally located site.

This scheme design shall be based on a comprehensive Masterplan that incorporates a convenient access route to the planned Metrolink stop, quality connections across the site and a cultural interpretive element.

Any final proposals must incorporate at least one new east-west pedestrian route interlinking to at least 2 new civic spaces within the block, utilizing the existing lane structure for cross connections.

Master plan proposals should hence incorporate the following:

- New pedestrian connections linking both O'Connell St. to Moore Street via a new public square and also Henry St. to Henry Place/Moore Lane.
- Exceptional architectural design to match the importance of this city block that will effectively interlink the historic GPO with the emerging cultural quarter at Parnell Square.
- A new civic square, open to the public, and quality pedestrian access to the proposed Metrolink station.
- An appropriate mix of uses to ensure activity both night and day. Active ground floor uses should front public routes.
- The restoration of a significant element of the Upper O'Connell Street streetscape, including the former Carlton cinema façade, No. 42 O'Connell St. and Conway's Pub on Parnell St.
- Heritage-led retention and restoration of all pre-1916 buildings and fabric along Moore Street.
- Acknowledge the urban architectural and historical context and complement the scale and design of the National Monument at Nos. 14-17 Moore Street and its re-use as a commemorative visitor centre, (URDF government funding relates).
- Moore Street Public Realm Renewal Works to include lighting, public art, paving, stalls and signage (URDF government funding relates).
- Promote a high-quality street market that firstly offers a diverse food range, specialty food with outdoor seating serving same that knits with the proposed Public Realm Renewal Works proposed for the area and secondly, a high quality urban environment that promotes a mix of uses, including residential at upper levels to ensure passive supervision and continual activity.
- A detailed phasing plan to address different stages of construction, coordinated as necessary with other planned works that may take place during the planned construction period.

Proposals for this area must also have regard to:

- The policies and provisions of the O'Connell Street Architectural Conservation Area (ACA), 2001, and the Scheme of Special Planning Control for O'Connell Street and Environs including any amendments thereto along with those of the proposed Draft Moore Street Architectural Conservation Area or similar where adopted.
- Protected Structures (as provided on the City Council's Record of Protected Structures (RPS) and the policies and objectives of this Development Plan for such structures, together with provisions of the Architectural Heritage Protection Guidelines for Planning Authorities (2011).
- Ministerial Recommendations for the proposed addition of buildings and other structures to the City Council's RPS provided for under section 53 of the Planning and Development Act 2000 (as amended) together with the relevant policies and objectives for same in this Development Plan.
- The content of the Moore Street Advisory Group's 2021 report to the Minister.

**Appendix 2 sets out the Retail Strategy for the City**

**6.3.12. Volume 1 - Appendices**

**Appendix 2 sets out the Retail Strategy for the City**

**Appendix 17 – Advertising and Signage Strategy**

**6.3.13. Chapter 15 Development Standards**

**Section 15.8 Standards for Residential Development** - while the minimum standards set within these sections will be sought in relation to refurbishment schemes, it is acknowledged that this may not always be possible, particularly in relation to historic buildings, 'living over the shop' projects, tight urban infill developments and in the city regeneration area designated under the Living City Initiative. In such cases, the standards may be relaxed subject to the provision of good quality accommodation, and where the proposal secures the effective usage of under-utilised accommodation. It must be satisfactorily demonstrated that the internal design and overall layout is closely aligned to the specific needs of the intended occupiers.

**Section 15.9 Apartment Standards** - apartment schemes make up the majority of the new housing stock in Dublin City. In this respect, it is therefore essential that high quality, attractive and livable apartment units are provided. All apartment developments should make a positive contribution to the local area in terms of public open space and/ or public realm improvements and should provide long-term living environments for future residents through quality communal amenity spaces and attractive and sustainable internal units. The Sustainable Urban Housing Design Standards for New Apartments (December 2020), or any other future amendment thereof, sets out specific planning policy requirements (SPPRs) for apartment developments. These Section 28 Guidelines and Section 15.9, which should be read in conjunction with other relevant development standards, provides details on a range of standards which relevant developments will be assessed under.

6.3.14. **Section 15.17.5 – Shopfront and Façade Design:** shopfront design plays a key part in contribution to the quality of the public realm. Attractive facades and shopfronts have the ability to rejuvenate the streetscape and create attractive public realm environments. Shopfront signage should:

- Be located at the fascia level.
- in the case of shop blinds, comprise traditional retractable canvas awning signs of shopfronts and other business premises.
- The signage relating to any commercial ground floor use should be contained within the fascia board of the shopfront.
- The lettering employed should be either on the fascia or consist of individually mounted solid letters mounted on the fascia. The size of the lettering used should be in proportion to the depth of the fascia board.
- Signage internal to the premises, including interior suspended advertising panels which obscure views into the shop or business and create dead frontage onto the street shall not normally be permitted.
- Corporate signs will only be permitted where they are compatible with the character of the building.
- Advertisements and signs relating to uses above ground floor level should generally be provided at the entrance to the upper floors, in a form and design

which does not detract from or impinge upon the integrity of the ground floor shopfronts, or other elevation features of the building.

- Shopfronts sponsored by commercial brands will generally not be permitted.

Proposals for shopfront signage shall have regard to the contents of the Retail Design Manual 2012, Dublin City Council's Shopfront Design Guide 2001 and the O'Connell Street Area Shopfront Design Guidelines, 2003, where appropriate.

#### 6.3.15. **Areas of Special Planning Control**

These areas are defined as ones where all or part of an Architectural Conservation Area, which is considered to be of special importance to the civic life or the architectural, historical, cultural or social character of the city within which it is situated (Chapter II of Part IV of PDA, 2000 (as amended)). O'Connell Street and Environs has been designated as an ASPC.

#### **O'Connell Street and Environs Special Scheme of Planning Control 2022**

**Vision:** To strengthen O'Connell St. and environs as a place of importance in the social, economic and cultural life of citizens and visitors, where buildings and their uses reflect a civic dignity and pride, and property owners and occupiers acknowledge their obligations as stakeholders in this area of special significance to the Irish nation.

**Key Objective:** To promote an appropriate mix and balance of uses in the O'Connell Street Area of Special Planning Control. The redevelopment/refurbishment of some key sites on O'Connell St. (Including the 'Carlton site' and the former Clery's building) have collective potential to create a new vitality through a balance of offices combined with residential and retail uses in the area.

**Other Key Objectives** seek to encourage a strong and complementary mix of uses on the upper floors, to seek a more intensive use of the upper floors and basement levels of all buildings, to address the decline in quality and presentation of buildings in the area, to secure retention of historic fabric and to promote high quality and inclusive design to improve the quality of the public realm including high quality street furniture.

It is a **general objective** to seek the redevelopment of vacant, under-utilised and underperforming sites located in the O'Connell Street Area.

**Office and residential uses** will be actively encouraged above first floor level.

It is an **objective** to secure the retention of the historic fabric of the area.

Certain uses are not permitted within the area such as amusement arcades, discount supermarkets, etc. Uses not permitted within the scheme at ground floor level include outlets selling hot food for consumption off the premises (i.e. take-aways).

6.3.16. **Shopfront Design Guidelines – The O’Connell Street Area (2003)** - these guidelines and provide for a more careful and sensitive approach to the design of shopfronts in the O'Connell St. area it is stated that in designing new shop fronts there are a number of principles that should always be followed which are

- Clarity
- Visibility
- Legibility
- Harmony and
- Simplicity

6.3.17. **The Shopfront Design Guide (2001)** - These guidelines set out design considerations in relation to the development of shopfronts and signage in the city. It is stated that in relation to the choice of materials for the shopfront they should complement the architectural character of the building and integrate with the overall visual unity of the street scene. The decision to build a traditional shopfront or a modern one will to a large extent dictate the type of materials used. Some materials, including plastics, reconstituted stone, and aluminum can look visually bland especially when used in a single plane.

#### 6.4. **Natural Heritage Designations**

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

South Dublin Bay SAC (000210) – c.3.5km to south-east of site.

North Dublin Bay SAC (000206) – c.5.3km to north-east of site.

North Bull Island SPA (004006) – c.5.3km to north of site.

## **6.5. EIA Screening**

6.5.1. Class 10(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required where more than 500 dwelling units would be constructed and where 10-hectare urban sites would be developed, or in the case of a business district, a site with an area greater than 2 hectares. The proposal is for the development of a site with a stated area of 0.02ha to provide a café/retail unit and 3 no. dwelling units. Accordingly, it does not attract the need for a mandatory EIA. However, as the site forms part of the Dublin Central Masterplan area, the site area for which is 2.2ha, the overall masterplan would require EIA.

6.5.2. The applicant states (SLA Planning Report Section 12 submitted with planning application) that

“While the proposed development may be considered sub-threshold, it cannot be easily screened out under all of the criteria identified in Schedule 7 and 7A of the Planning and Development Regulations 2001 (as amended). An Environmental Impact Assessment Report is therefore submitted to the planning authority with this planning application.”.

## **7.0 The Appeal**

Two third party appeals have been received, one from the Moore Street Preservation Trust and one from Mary Lou McDonald TD. Both appellants requested an Oral Hearing on the basis of the historical importance of the site being central to the evacuation route and the location of the surrender of those who escaped under fire from the GPO during the Easter Rising of 1916. It was also pointed out that an oral hearing had been held in respect of a previous development on the site. However, the Board refused the request to hold an oral hearing on the basis that sufficient evidence and information was the available on file to enable the proposal to be assessed by written representation means. The grounds of appeal may be summarised as follows:



## 7.1. Grounds of Appeal

- **Background** – the appellant briefly sets out the sequence of events regarding the establishment of the National Monument at 14-17 Moore Street, the acquiring of the lands by the State and the legal challenges and protests against the creation of a Commemoration Centre and development of the lands. It is emphasised that the overall masterplan site includes the National Monument together with the escape route from the GPO during the 1916 Easter Rising.
- **Procedural matters** – concern was raised regarding the large volume of material relating to the proposed development of not just Site 2 but all of the other sites within the masterplan area. It was considered that the subdivision of the site into smaller parcels, each with its own planning application/appeal made it extremely difficult for members of the public to understand the nature and scale of the development. In particular, the fact that the 3D model was not submitted initially and was not advertised as having been submitted with the FI, has disadvantaged people.
- Furthermore, the appellant expressed grave concerns regarding the supportive comments in favour of the proposed development made by the then Taoiseach Micheál Martin in 2021 and in respect of confirmation by Darragh O'Brien (Minister for Housing) that his department had been indirectly engaged at the same time in discussions regarding compensation of street traders from public funds.
- **Impact on No. 61 O'Connell Street** – The front façade of No. 61 is a Protected Structure and the proposed works to this PS are of concern. Permitting a hole to be punched through the building to create a passageway is inconsistent with the DCC's decision to expand the protected status to include the entire front façade of this building. The need for a new accessway through the protected structure is questioned as the developer has already proposed to create a new street linking O'Connell Street and Moore Lane.
- **Inadequate response to FI Request** – the applicant's refusal to carry out intensive site investigations to establish whether there is historic fabric underneath the shopfront, on the basis that the building is occupied by a

tenant and that the works required would be too invasive, is unacceptable. The P.A.'s decision should not have been made in the absence of this information. Similarly, the refusal to carry out a Historic Buildings Survey is unacceptable.

- **Impact on Architectural Conservation Area** –The site is also located within the O'Connell Street ACA and located in proximity to the Protected Structures at Nos. 43, 44, 52-54, 57 and 58 O'Connell Street Upper. The implications for all of these structures being developed at the same time is of concern. Any development should comply with the policies and objectives outlined for the ACA. It is submitted that the proposed development does not adhere to these policies and objectives.
- **Feasibility of passageway and viability of units** – the commercial viability of the units is questioned given firstly that there is an abundance of café, restaurant and fast-food outlets on O'Connell Street and secondly, as the passageway will be periodically locked and therefore will restrict access to the kiosk fronting Henry Place.
- **Impact on Henry Place** – the proposed passageway will interfere with and redraw the streetscape and geography of Henry Place, which is a laneway of huge historical significance, as the route taken by the volunteers on their evacuation of the GPO. Henry Place satisfies the criteria laid down by the High Court and Court of Appeal for a National Monument as its preservation is a matter of National importance. It follows that any alteration or interference with it requires Ministerial consent. No such consent was granted or included in the application.
- **Impact on National Monument (14-17 Moore Street)** – the National Monument is located on the western side of Moore Lane. In conjunction with the development of other sites in the Masterplan area, this application will impact on structures within the National Monument boundary. The scale of the overall development is totally inappropriate for such a historic location and would dwarf the National Monument buildings and the Moore Street streetscape.

- **Impact on Archaeology**– ‘Dublin Central’ lies within the Zone of Archaeological Potential for Dublin and as such, a full archaeological dig should take place across the site.
- **Demolition and climate change** – it is now a policy of the Dublin City Development Plan 2022-2028 to oppose the demolition of buildings to help mitigate the effects of climate change. On the one hand, the P.A. is encouraging people to retrofit instead of demolishing buildings, in a bid to reduce carbon emissions, but at the same time is encouraging projects which involves wholesale demolition of buildings.
- **Scale and density of the proposed development** - The scale and density of the overall development including the proposals for the other sites within the masterplan area, are excessive and ignore the existing scale of adjoining buildings in the locality. No regard is had to the siting of a development of this scale in such close proximity to a National Monument.

## 7.2. Applicant Response

The response from the applicant’s agent (15/11/23) included a summary of the proposal and amendments submitted as FI on the 28<sup>th</sup> July 2023. The responses to the appeals are grouped under various headings and are summarised as follows:

- **Conservation and Protected Structures**

Conservation approach - it was emphasised that the applicant had employed conservation specialists with considerable expertise in the conservation of built heritage. It was stated that the proposal had been based on extensive research and analysis, which had informed the overall conservation approach to both the masterplan area and to No. 61 O’Connell Street, including the Architectural Heritage Impact Assessment and the EIAR. It was pointed out that the conservation approach was informed by a forensic analysis undertaken by a masonry specialist and that on this basis, it was decided to retain the entire structure, not just the protected façade.

### Architectural Heritage Impact Assessment and Chapter 15 of EIAR

It was confirmed that the changes made to the RPS did not require a re-evaluation of the proposal, given the approach taken in the AHIA and EIAR with respect to the proposed development. Notwithstanding this, however, the EIAR -Chapter 15 and the AHIA were updated and submitted to the P.A. as Further Information.

Detailed visual examination and measured surveys were carried out at FI stage, which confirmed that the potential for uncovering any further historic fabric is limited to brickwork, flat plaster linings and potentially timber joists, which are of limited heritage significance. Nevertheless, these elements, if found, will be retained and conserved in situ.

Furthermore, it was submitted that every surface of the interior of the building was lined out, making physical examination of the property impossible. In order to carry out such surveys, the building would have to be completely vacated for a period of at least 10 months. The approach taken is stated to be standard practice when undertaking sensitive repair and refurbishment works to a sensitive building and would avoid a prolonged vacancy in advance of commencement of the construction programme. Condition 4 of the P.A. decision further addresses this matter.

- **New Passageway**

A detailed review of the shopfront that it wholly comprises of late 20<sup>th</sup> century fabric, with no traces of any earlier fabric visible at planning stage. The P.A. considered that whilst the passageway would result in further intervention and loss of historic fabric, this had to be balanced against the wider benefits of the masterplan, particularly its objective to improve permeability and the public realm, in line with the SDRA10 objective to improve connectivity and public amenity. It was also pointed out that the passageway would link O'Connell Street with the proposed hotel at Site 3 (312603) and the proposed refurbished Reading Room (Site 2, 318316), and as such is considered to be a crucial element of the proposed Masterplan.

- **National Monument and Ministerial Consent**

In response to concerns regarding proximity to the National Monument, it is confirmed that the National monument is not within the site area of No. 61 O'Connell Street and that no works are proposed to or adjacent to the National Monument (see Fig. 3 of First Party Response). Notwithstanding this, consideration has been given to the protection of the National Monument during the construction phase of No. 61 O'Connell Street as set out in the Outline Construction and Demolition Management Plan – Masterplan and construction impacts have been considered in the EIAR. Ministerial consent (Section 14 of National Monuments Act) is a separate process and will be entered into prior to the commencement of any works in the vicinity of the National Monument.

In respect of the extent of the National Monument, the appellants' claims that Henry Place satisfies the High Court's criteria for protection as a National Monument, it is stated that the Court of Appeal had set aside the HC ruling, finding that it was not within the jurisdiction of the courts to designate a National Monument.

- **Design, Scale and Layout**

It is pointed out that whilst the Dublin Central Masterplan provides for the contextualisation of the proposed development within the urban block, it is not the subject of the current application/appeal, which relates solely to the refurbishment of an existing building with a small single-storey extension. There will be no change to the height or scale of the existing building.

- **Comprehensive response to Further Information Request**

This issue was addressed under 'Conservation and Protected Structures' above.

- **Kiosk viability on Henry Place**

Reference is made to the report by Bannon Property Consultants submitted as FI which addresses the viability of the kiosk. It is submitted that the passageway and kiosk will provide an improved level of activity and generally encourage footfall through the area.

- **Historic Building Survey**

This will occur following the removal of all 20<sup>th</sup> Century linings and fitouts. The Archaeology section of the P.A. was satisfied that it was not feasible to carry out the survey at the present time and recommended a condition, which was duly attached to the P.A. decision (No. 8(a)). This requires that any historic fabric identified will be integrated into the scheme where practical to do so.

- **Climate Change**

The proposed development involves the retention, repair, conservation, refurbishment and adaptive reuse of the existing building which is supported by the P.A. It is also in line with National Policy Objective 35 of the NPF which encourages the re-use of buildings and the reduction in vacancy.

- **Archaeology**

Reference is made to the Archaeological Desktop Study and to chapter 16 of the EIAR which generally concluded that there would be no impact on archaeological heritage. However, there is potential for subsurface archaeology beneath the current basement and a condition addressing this matter was recommended by the Archaeology section of the P.A.

- **Planning Procedure**

Multiple planning applications – it is submitted that the applicant has been fully transparent with its future proposals in the wider masterplan area and the EIAR and Appropriate Assessment Screening has considered the individual and the combined effects of the project with the other projects that form part of the masterplan. The rationale for taking this approach is reiterated as it was necessary due to the need to consider phasing and construction constraints, viability in terms of securing funding for different streams, allowing for maximum flexibility and ongoing discussions with TII regarding the facilitation of the Metrolink enabling works. It is stated that being able to progress the development in individual stages within the masterplan means that the risk of delay on one site can be absorbed, and progress can be made on other sites.

Scale model – There is no legislative requirement to publish the fact that a scale model was submitted with the RFI. However, it is submitted that the P.A. had formally requested a model and that many third parties had made further submissions and had referred to said model. Notwithstanding, it is submitted that the proposed development forms part of the existing streetscape and no changes are proposed to the mass or height of the main building. The changes to the rear are of a minor nature.

### 7.3. Planning Authority Response

The planning authority's response, dated 15<sup>th</sup> November 2023, requested that the Board upholds its decision. It was requested that should planning permission be granted, that the following conditions be applied, in addition to any conditions contained in the planner's report:

- A condition requiring the payment of a Section 48 development contribution.
- A condition requiring the payment of a Section 49 Luas X City development contribution.
- A condition requiring the payment of a bond.

### 7.4. Observations

One observation was received from Stephen Troy on behalf of Troy Family Butchers Ltd. The main points may be summarised as follows:

- **Conflict of interest** – It is contended that Dublin City Council and the Department of Heritage have a conflict of interest in respect of these planning applications. DCC was involved in a commercially sensitive compensation process in the Spring of 2021 in respect of the “upgrading of Moore Street”. *[A copy of a response from the Chief Executive to a City Councillor was included in the statement of the grounds of appeal, which was dated 7/02/22. It was stated that the matter of compensation for Moore Street Traders in the event of development had been discussed for many years prior to the commencement of discussions regarding the current applications. However, no agreement has to date been reached on this matter.]*

- **Questions over objectivity of MSAG Report and compensation process -**  
It is asserted that the 'secret compensation process' was established solely to sway the final content of the Moore Street Advisory Group Report to a pro-Hammerson version and to remove the generational Moore Street Market. It is alleged that inappropriate meetings and offers were made to the street traders by various officials of the Council and the Dept. of Heritage as well as by the chairperson of the MSAG. It is claimed that this demonstrated that the officials failed to maintain an unbiased role in the process. As such, it is claimed that the applicant had an unfair influence over the MSAG report which would ultimately decide on the future of Moore Street and potentially the progress of the Cultural Bill through the legislative process.
- **Moore Street Market Traders Submissions on the Hammerson Plan to the MSAG –** the main points raised in these submissions are summarised below in order to demonstrate the appellant's belief that the 'compensation process' had unduly influenced the traders' attitude to the proposed development and as a consequence, unfairly influenced the outcome of the Moore Street Advisory Group Report:-
  - Street Traders opposition to scheme – the street traders' original submissions to the MSAG Report were venomously opposed to the Dublin Central plan for the area as it will simply put them out of business. This plan would get rid of the market, its heritage, history, traders and customers due to the scale of the project and the duration and extent of the construction period especially during demolition. Many of the stalls sell fresh fruit and vegetables and fish and there is a danger of contamination from dust, debris and diesel fumes. Furthermore, construction traffic and noise will make it unbearable and impossible to trade.
  - Displacement of stalls – the proposed entrance arch at 18-19 Moore Street will result in the displacement of stalls and the overall project will further displace many stalls to perhaps less favourable locations. With O'Rahilly Parade being designated as a service entrance, it will be extremely disruptive, undermine footfall, cause traffic chaos and undermine the deliveries and cause safety issues for customers.



- *Projected footfall unrealistic* – the Developer’s projected increase in footfall by 6 million is unrealistic. It is accepted that there will be some increase in footfall arising from construction jobs, but it is considered that there will be an overall loss of jobs with shops, cafes and markets closing, not just in Moore Street but also in Henry Street and Parnell Street. Furthermore, Parnell Street entrance will be closed off and given that temporary shops will be required to close also during construction, this will reduce footfall even further and decimate trade in the market.
- Notwithstanding the clear opposition of the Traders to the proposed development, as demonstrated above, this was not reflected in the MSAG Report due to the negotiations between DCC/Dept of Heritage Officials/MSAG Chairperson and the developer prior to its publication.
- **Timing of compensation offers** – it is contended that DCC had decided to contribute to the compensation fund before the planning applications were even lodged, which suggests that a decision had already been made on these planning applications in advance. Furthermore, the Dept. of Heritage officials were involved in contributing to this ‘questionable compensation process’, which is considered inappropriate given that the Minister is precluded from bearing any influence on any planning application that should come before the planning authority or An Bord Pleanala (S 30 of the PDA 2000, as amended).
- **Impacts of loss of historic market** – the P.A. has failed to consider the impact of the loss of footfall associated with the market or the financial impact on the trade of independent store traders when the Moore St Market is removed for the duration of the period of construction. It is noted that DCC has recently made an effort to revitalize the market by introducing additional market traders to increase footfall, which means that they must be aware of the impacts of the removal of the market on adjacent independent traders. The appellant has serious concerns that the independent traders will not survive the fallout from the construction phase of the proposed development and will be forced out of business.
- **Duration of permission** – the proposed 11-year duration of permission shows no regard for the independent business owners who have already

endured the prolonged down-grading of Moore Street over the past 7-8 years. This has come about due to the permitting of a proliferation of low-grade retail units (mobile phone shops) which are poorly fitted out and illicitly subdivided into multiple units with outlandish signage. It is contended that these operators are operating without planning permission. This, together with the negligent management of the area by DCC and the pro-longed dereliction of the National Monument, has destroyed the visual amenity of the retail district and has contributed to the negative impact on trade. The impacts on existing traders are dramatically understated and the developer has failed to liaise directly with these traders. No planning permission should be granted for more than 5 years as it would set a dangerous precedent.

- **Flawed Traffic Plan** – A preliminary traffic plan is insufficient given the scale of the project and the impacts on the surrounding shopping district. The requirement for an up-to-date traffic management plan prior to the commencement of works is an inadequate response and excludes third parties from the process.
- **Construction traffic** will enter via Moore Street and onto O’Rahilly Parade and egress via Moore Lane. As Troy’s butcher shop is located before the bollards (erected at 11am at the junction Moore St/O’Rahilly Pde), the shop premises will be impacted by construction traffic entering Site 5 and various other site compounds for the duration of the works. However, there are multiple service yards that are not under the 11am delivery curfew, (which has never been enforced), and the haul route is not impeded by the barriers. It is proposed to carry out junction widening outside the appellant’s shopfront which will have a detrimental effect on the safety of customers. There is also an emergency exit (from Greeg Court Apartments) immediately adjacent to the shop. The haul route passes close to the front of the shop premises which will result in spillages leading to an overbearing impact of dust, noise and diesel fumes and is likely to interfere with the sun awning, for which the appellant obtained planning permission to ensure compliance with legal requirements in respect of temperature control for food safety reasons.

- **Flawed Sunlight and Daylight Analysis** – the proposed development will severely impact the residential sun balconies and commercial units at Greeg Court in terms of loss of sunlight. The P.A. justifies this on the basis on the relatively low levels of sunlight at present and given that there will be plenty of sunlight on the new public square. This will have a huge financial impact on the residential amenities of Greeg Court.
- **Treated unfairly by the planning process** – Minister Noonan has said on the Dail record that compensation was for business disruption to the street traders, yet there are no provisions in place for independent store traders, who are expected to survive on a derelict marketplace for the next 11+ years amidst construction chaos.

## 8.0 **Assessment**

I consider that the issues arising from the appeal can be addressed under the following headings:

- Dublin Central Masterplan
- Procedural issues
- Planning Policy
- Impacts on Residential Amenity and Quality of Accommodation
- Conservation Approach
- Archaeology
- Impacts on National Monument and Urban Battlefield site
- Sustainability and Climate Action

### 8.1. **Introduction**

- 8.1.1. The proposed development of No. 61 O'Connell Street Upper forms part of the wider site known as the 'Dublin Central Development' for which a Masterplan has been developed. It relates to an urban block of c.2.2ha encompassing lands fronting O'Connell Street Upper, Parnell Street, Moore Street and Henry Street and various

laneways within the block, which have been subdivided into separate 'sites', numbered 1-6. As stated previously, planning permission has recently been granted by the Board for developments on Sites 3, 4 and 5, (ABP.312603, 312642 and 313947), respectively, which relate to mixed use developments by the same developer within the Masterplan. These decisions are currently subject to Judicial Review. The proposals for Sites 1 and 6 are aspirational and yet to be finalised, but the developer states that the development of these sites will remain broadly within the parameters of the Masterplan. The proposal for Site 2 is currently with the Board as a concurrent application/appeal (ABP.318316).

- 8.1.2. As noted previously, permission was granted in 2010 for the redevelopment of the majority of the Dublin Central site under PL29N.232347. This permission had provided for demolition of buildings, provision of retail, residential, office, cultural and commemorative centre in buildings ranging in height from 3 to 6 storeys over 3 levels of enclosed basement parking. It also proposed the creation of two new streets and three public spaces. This permission was granted for a duration of 7 years. An extension of duration of the permission was granted subsequently, which extended the permission until May 2022. It has now expired.
- 8.1.3. The Board should also note that there are related projects and funding initiatives which are relevant to the proposed development. Principally, the Urban Regeneration and Development Fund, the North Inner City Concept Area 1, has benefited from €121.3 million in funding in March 2021. Furthermore, additional projects include the following:
- The allocation of €12.7 million towards the redevelopment of the National Monument at Nos. 14 to 17 Moore Street.
  - Moore Street Public Realm Renewal Works
  - Markets And Public Realm Study
  - Parnell Square Public Realm Works
- 8.1.4. The Board should note that the third-party submissions in relation to the proposed development at No. 61 O'Connell Street Upper focus to a considerable extent on issues relating to the Masterplan proposals. Some of these issues are directly related to the proposals for No. 61 O'Connell Street but others are not. However, it is

considered important to review the Masterplan proposals within which the site of the appeal sits before assessing the main issues arising from the appeal.

## 8.2. Dublin Central Masterplan

8.2.1. No. 61 O'Connell Street Upper and the wider Dublin Central development site forms part of **Opportunity Site 1** of **SDRA 10** (Chap. 13 of CDP), which requires a comprehensive masterplan to be developed for these lands. The Guiding Principles are summarised at 6.3.11 above. The main elements/concepts of the Dublin Central Development Masterplan are now considered.

8.2.2. The Site Constraints were identified in 2.11 of the Masterplan, which comprised the following main issues:

- Metrolink - the need to incorporate enabling works to facilitate the provision of a Metrolink station by the NTA/TII on O'Connell St. Upper.
- Moore Street Market - the economic viability of the historic Moore Street Market which has been in decline is recognized. The development presents the opportunity to increase the pedestrian footfall through the market with increased permeability and bringing office workers, hotel guests and new residents into the area.
- National Monument - although the NM site (14-17 Moore Street) is technically outside of the development site, it wraps around the National Monument. The Masterplan has a key responsibility to safeguard its importance and legibility into the future.
- Urban battlefield - there's a need to retain and restore the buildings, lanes and materials which are key to the events of the 1916 rising to ensure that they appropriately reflect their place as part of the historic events.
- O'Connell Street ACA - the major architectural, historical, cultural, artistic and social importance of this distinct quarter of the city that was formally planned, laid out and developed between the 1740s and the 1800s is recognised. It is an objective to protect the existing strong local sense of place while accommodating the changing needs and image of the area.

- East-West Street - the existing urban block has limited pedestrian permeability which constrains the potential for ground floor activity and animation. The development presents an opportunity to improve the permeability and to allow for a different range of uses and activities whilst maintaining the narrow character of the lanes.

8.2.3. The Masterplan Vision encompasses the following aspirations:

Dublin Central presents an opportunity to deliver a sustainable city quarter that builds upon its unique and varied architectural character, historic context and connected central location. The development seeks to restore vitality and creativity to an area lost to years of neglect, while creating a landmark destination that all Dubliners can be proud of and a desirable work, retail and leisure destination in the heart of the city.

8.2.4. The Key Objectives of the Masterplan include the following:

- Deliver a world class city quarter that sits respectfully within its context taking advantage of its location, protecting and restoring the heritage features and repositions the status of O'Connell St. as Ireland's national street.
- Benefit from the interesting street fabric and protected structures to create a unique and attractive environment including the restoration of the Carlton facade to create an iconic retail destination.
- Create a mix of uses that drives footfall and vibrancy 24/7 including high quality commercial office and retail space, residential accommodation, hotel uses, food and beverage and strategically located non-commercial uses.
- Secure well designed public realm that drives footfall, increases dwell time and provides commercialization opportunities.
- Building on the historic character and associations with the area to create an attractive external environment including accommodating a Memorial Trail through the site to commemorate key events of the 1916 Rising.

8.2.5. Some of the **Key Principles** underlying the proposed **Masterplan** include the following elements of the overall design of the project:

- **Link from O’Connell Street to Moore Street** – the purpose of this is to reduce the scale of the urban block, to increase the walkability and permeability of the area for pedestrians and by creating views through to Moore Street, encouraging people to enter the block and explore the lanes.
- **New Pedestrian link to Henry Street** – the purpose of the proposed passageway between Henry Street and Moore Street is to create a visual link and increased connectivity by encouraging pedestrian movement between the two important shopping streets, Henry Street and Parnell Street, along Moore Lane. It would also improve linkages between the shopping streets and the new Parnell Cultural Quarter planned at Parnell Square. A second link is proposed underneath **61 O’Connell Street**, linking Henry Place with O’Connell Street, providing an alternative pedestrian route to O’Connell Street and bringing people into Henry Place.
- **Creating new public squares** – a new south-facing public plaza is proposed between Moore Street and Moore Lane, with ground floor cafe and restaurant uses. It will be accessed from a proposed archway from Moore Street and will link in with the East-West pedestrian street leading to O’Connell Street. A second smaller square will be provided at the junction of Moore Lane and Henry Place, immediately adjacent to the Reading Room, which is to be refurbished and restored as a bar/café/restaurant.
- **Facilitating the Metrolink Station** – the proposed structural box underneath Site 2 will incorporate two entrances to the metro station, one from O’Connell Street and one from Moore Lane. This will encourage pedestrian movement into the new square, the Moore Street Market and the ILAC Centre as well as movement through the lanes connecting the shopping streets.
- **Mix of uses** – the Masterplan includes a range of uses including residential, offices, hotels and ground floor retail, café and restaurant uses. Site 2 will accommodate the majority of the proposed office floor space from first floor level and above. The main entrances to the offices will be from O’Connell Street with the entrances to residential from Henry Place via courtyards. Hotels are proposed at the northern and southern ends of Moore Lane, respectively. Larger retail units will be focussed on the main shopping streets and the new East-West street, with

smaller shops and cafes/restaurants along Moore Lane and Henry Place. The intention is to create vibrant animated streets and pedestrian squares which will encourage more movement and activity through the city side streets and historic laneways which are currently underutilised, in a state of decline and reserved mainly for servicing of local businesses.

- **Height, massing and scale of new buildings** – the aim is to respect and generally maintain the established parapet heights along O’Connell Street and Henry Street with additional floors set back to minimise the impact from the street. The height is reduced along Moore Street and the western side of Moore Lane to respect the historic building heights and to protect the setting of the National Monument.
- **Retention and restoration of a number of Protected Structures** – some buildings are to be retained and refurbished in their entirety, such as 61 O’Connell Street, 42 O’Connell St, O’Connell Hall, No. 70 Parnell Street, The Reading Room (although not Protected) and several buildings on Moore Street (Nos. 8-9, 10 and 20-21 and 12-13 Moore Street Party wall), Moore Lane (6-7) and on Henry Place (11-13) and Henry Street (36-37). Other buildings are to be partially retained and refurbished, mainly the facades such as No. 71 Parnell St. Nos. 43, 44, 45, 52-54 and 57-58 O’Connell Street as well as 39-40 Henry Street and 17-18 Henry Place.
- **Responding to Key Events of the 1916 Rising** - Specific measures are also proposed to respond to the key events of the 1916 Rising. These include the protection of creep holes within the party walls between 10-11 and 12-13 Moore Street, reinterpretation of the building at 10 Henry Place, facilitation of the potential to create a new access to the National Monument from Moore Lane, a commemorative plaque at O’Rahilly Parade and the retention and renovation of the lanes as well as facilitating the provision of a commemorative trail.

8.2.6. It is considered that the Dublin Central Development Masterplan is generally in accordance with the Guiding Principles for Opportunity Site 1, as set out in Section 13.12 of the Dublin City Development Plan 2022-2028, and as summarised at 6.3.11 above.



### 8.3. Procedural issues

- 8.3.1. **‘Separate sites’ approach** - Objection was raised by several third parties to the subdivision of the overall Masterplan site into smaller separate sites, as it was considered to have placed an unacceptable burden on members of the public in navigating the large volume of information that had been submitted with each individual application. In addition, the complexity of the issues, combined with the scale of the overall development and site area, made it more difficult for people to comprehend the impacts on the surrounding area, which also presented challenges for public participation in terms of costs arising and equity of access.
- 8.3.2. As noted above, the current application/appeal for No. 61 O’Connell Street is being considered concurrently with the proposals for Site 2 (2C and 2AB), and that the lands covered by the Masterplan are subdivided into 6 sites in total. The applications/appeals for three of these sites (Sites 3, 4 and 5) were also submitted and considered separately, but concurrently, by both the P.A. and the Board (312603, 312642 and 313947).
- 8.3.3. The applicant’s reasoning for the approach taken is based primarily on the need for flexibility in the progression of the development on the ground. It is argued that the ‘separate sites’ approach allows for progress to be made in stages, which reduces the risks caused by delays on individual sites as these can be absorbed more easily while other elements progress independently. Furthermore, it is submitted that the viability of the scheme benefits from flexibility to adapt funding streams with this approach, and in particular, the finalisation of the Metro Enabling Works (incorporated into site 2) would be subject to separate processes which are outside of the control of the applicant. It is further argued that the applicant has been fully transparent by referencing the Masterplan and considering individual and combined effects in all stages of the assessments.
- 8.3.4. It is acknowledged that this approach could lead to some confusion and repetition, as well as placing a financial burden on third parties in terms of engagement with the planning process. However, as the proposed projects have so far been considered in two distinct blocks, one to the west and one to the east of the MP area, (i.e., Site 2/No. 61 O’Connell St and Sites 3/4/5), and that details of the masterplan have been presented throughout the documentation submitted with each case, it is considered

that the applicant has attempted to minimise these effects. The subdivision into smaller sites also enables third parties to focus on elements of the projects which might be more relevant to their concerns. I would also accept the applicant's rationale for seeking to consider phasing and construction constraints in a constructive manner in order to minimise the overall effects of the construction phase on the surrounding environment. On balance, therefore, I would accept that the approach taken in this case is a reasonable one.

- 8.3.5. **Public Notices and Scale model** – some third-party observations raised concerns about the adequacy of the public notices in respect of alleged irregularities regarding references to Protected Structures and also the failure to mention the submission of a scale model with the further information (revised notices). I consider that the nature and extent of the proposed development as described complies with the requirements of Article 18 and 19 of the Planning and Development Regulations 2001, as amended. Reference is made to Protected Structures as required. It is noted that the lodgement of the application predated the coming into effect of the current Dublin City Development Plan 2022-2028, but the Further Information submission addressed any changes/additions to the Record of Protected Structures.
- 8.3.6. I would concur with the applicant that there is no legal obligation under Article 35 of the Regulations to make reference in the public notices to the inclusion of a 3D model with the further information. The requirement is to state that significant further information or revised plans, as appropriate, had been submitted to the planning authority with the further information. The further information was republicised as it was deemed significant.
- 8.3.7. **Alternative plans** – reference has been made to alternative plans which have been drawn up by parties other than the applicant, which are considered to be more sympathetic to the cultural significance of the area. These include An Bille Um Ceathrú Chultúir 1916 (2021), which is currently under consideration by the Oireachtas, (preceded by The Moore Street Renewal and Development Bill 2015 which was defeated), The Moore Street Report 3 – Securing History (MSAG, 2021) and a plan produced by the Moore Street Preservation Trust.
- 8.3.8. It is noted, however, that neither of these Bills have been enacted into legislation. Furthermore, the referenced plans/reports do not have any statutory basis and are

not, therefore, before the Board for adjudication. The site is in private ownership and excludes the site of the National Monument at 14-17 Moore Street, but the Masterplan project has had regard to its cultural and historical significance. The streets and lanes are in the charge of the Dublin City Council and have been included in the Masterplan in terms of restoring and relaying setts and kerbs. Otherwise, the proposed development does not encroach onto the lane/street network. The applicant has been in consultation with the Traffic and Transport Section of DCC. These matters will be discussed in further detail in subsequent sections of this report.

- 8.3.9. **Conflicts of interest** – several issues relating to a potential conflict of interest for Dublin City Council were raised, primarily in respect of negotiations regarding potential compensation payments to Moore Street Market traders but also in respect of landownership.
- 8.3.10. The issues relating to the impacts of the proposed development, particularly during the construction phases, on the markets will be discussed in subsequent sections of this report. However, at this juncture, it is necessary to address some of the comments made in the objections which related to the process around the consultation by DCC with street traders on this issue. Reference has been made to The Moore Street Advisory Group (MSAG) Report on this matter to the Minister for Heritage and Electoral Reform (2021), which it is stated had accepted that traders would not be able to continue to trade during the construction works but had not identified a suitable, mutually agreeable relocation site for traders.
- 8.3.11. I note that the MSAG report, in the absence of such a solution, had expressed support for compensation to be paid to traders by the developers. Criticism has been made, in some detail, of the process of negotiation on the compensation to be paid. However, I submit that this is not a planning matter, and the Board has no role in terms of a compensation fund, or in the conduct of the process involved. As such, it is considered inappropriate for the Board to comment on the issues raised in some of the appeals/observations regarding this matter.
- 8.3.12. The criticisms made in respect of landownership seem to imply that by consenting to the applicant making the application, (in the case of DCC, the OPW and the Dept. of Housing), the landowners have a conflict of interest in favour of the developer.

However, the applicant states that letters of consent were sought and submitted simply as this is required by the Planning & Development Regulations and that no other motive was involved. I would agree that this is normal practice and is a requirement of the Regulations, and that letters of consent from a landowner to submit an application do not indicate any support for the scheme as proposed.

8.3.13. **Consultation with P.A. mid-stream** – it is noted that the applicant has stated that there are no restrictions under the Planning & Development Regulations regarding the holding of pre-planning meetings at Further Information Stage. Notwithstanding this, it is considered that any issues of concern relating to the planning authority's procedures during its consideration of the application are not matters for the consideration of the Board.

8.3.14. **In conclusion**, it is considered that the procedural matters raised in the appeals and observations are either matters that are not within the remit of the Board to address or have been adequately addressed in the first party submissions.

#### 8.4. **Compliance with Planning Policy**

8.4.1. It is considered that the proposed mixed-use development involving the conservation, repair and refurbishment for adaptive reuse of building on a City Centre site which forms part of a larger regeneration site is generally in accordance with the national, regional and local policy framework, as summarised at 6.0 above.

8.4.2. The thrust of the policies contained in the **National Planning Framework**, the **National Development Plan** and the **Eastern and Midlands Regional Spatial and Economic Strategy** is to direct population and employment growth, into central urban areas, particularly to brownfield and regeneration sites, and to secure compact growth of urban areas and deliver higher densities in suitable locations. These policies also seek to create attractive, liveable urban areas of high-quality design that are easily accessible by a wide range of transport modes. Policies also seek to support the sensitive re-use of Protected Structures and to reduce vacancy and bring buildings back into use.

8.4.3. The proposed development, in combination with the development proposals for the remainder of the Masterplan area, would deliver a high-quality, high-density development in a strategic location in Dublin 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 (NPO11). The site is highly accessible by a variety of modes of transport (both currently available and future planned) and is also close to a variety of amenities and facilities. It is considered that the proposal would contribute towards the regeneration and revitalization of strategically located, under-utilised lands in the heart of the city by creating attractive and animated streets and pedestrian-friendly spaces with a variety of new uses which will create an attractive urban environment.

- 8.4.4. Compliance with other policies at a national level, such as the Apartment Guidelines and the Architectural Heritage Protection Guidelines, will be addressed separately below.
- 8.4.5. The proposed development is in accordance with the **Zoning Objective Z5** in the current **Dublin City Development Plan 2022-2028**, 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 proposed mix of uses, including residential, retail/café/restaurant and leisure uses are all permitted in principle in this zone. These uses, in combination with the proposed Masterplan development, are also consistent with the policies and objectives of Chapter 6 (City Economy and Enterprise) and Chapter 7 (City Centre/Retail), which seek to provide for a vibrant mix of shopping, leisure, office and residential in the city centre. They are also consistent with the Guiding Principles of Key Opportunity Site 1 of SDRA 10, Northeast Inner City to provide an appropriate mix of uses to ensure activity both night and day, with ground floor active uses fronting onto public routes.
- 8.4.6. The proposed development as originally submitted included two restaurant/café uses at ground floor (35m<sup>2</sup> and 10m<sup>2</sup>) with takeaway/collection facilities, with the larger unit fronting O'Connell Street and the smaller kiosk fronting onto Henry Place. The ground floor would also accommodate the passageway linking O'Connell Street and Henry Place, with shop-windows facing onto the accessway, as well as circulation space, bicycle storage, bib storage etc. The residential accommodation at the upper levels comprised three apartments, one per floor and it was proposed to provide a gym/leisure studio at basement level.

- 8.4.7. The most significant amendments to the proposal in the FI submitted on 28/07/23 in terms of the uses related to the basement and kiosk. The proposed gym/leisure studio was omitted to provide for residential and retail storage areas and the proposed use of the kiosk was changed to retail use with options for use as a shop. In the response to the grounds of appeal, the applicant emphasised that the proposal is sufficiently adaptable to host a range of potential future commercial tenants and that it would provide additional connectivity between O'Connell Street and Henry Place, provide for an improved level of activity with associated increase in footfall and would create more attractive places to visit and live.
- 8.4.8. The site is located within the City Centre Retail Core, which is Dublin's premier shopping district and O'Connell Street is a Category 1 Shopping Street, along with Moore Street and Parnell Street. Henry Street is a Category 1 Shopping Street. The purpose of these designations, respectively is, to protect the primary retail function with an emphasis of higher order comparison (Category 1) and to provide for a mix of retail and other complementary uses that would increase the shopper dwell time in the city (Category 2). A key element of the retail strategy (Chapter 7 and Appendix 2 of CDP) is to affirm and maintain the premier status of the city centre retail core area and to protect the primary function of these streets and to promote active uses at street level.
- 8.4.9. No. 61 O'Connell Street is currently occupied as a restaurant at Basement and GF levels, a use which has been established for many years and stretches through the site to Henry Place. The upper floors are ancillary to the restaurant use (offices and staff changing area). The proposed development (as amended) provides for a mixed-use including retention of a restaurant/café use, albeit a smaller unit, with a small retail kiosk at the rear, together with the passageway. It is considered that this is generally consistent with the retail policies set out in Chapter 7 and Appendix 2 of the Development Plan as it provides for active ground floor uses on both O'Connell Street and Henry Place, which is to be developed under the Masterplan proposals for active uses including a hotel, shops, cafes and restaurants with an enhanced public realm. The introduction of residential uses on the upper floors is also consistent with CDP policies QHSN 7, QHSN 8 and QHSN 10 of chapter 5 of the CDP which seek to promote sustainable densities in the city by providing residential use in upper floors, particularly in vacant or underused sites.

- 8.4.10. The proposed development of No. 61, together with the Masterplan proposals for introducing active ground floor uses and upgrading of the public realm throughout the urban block, would help to regenerate the area by bringing vacant sites/buildings back into use, transforming the neglected and underutilised lanes to the rear of O'Connell Street and increasing the permeability and accessibility of the area. The incorporation of the passageway would provide for an additional pedestrian link between O'Connell Street and Henry Place and onwards to Moore Lane, Moore Street and Henry Street. This will contribute towards the creation of lively animated streets which will increase the footfall through the block and will encourage people to stay within the area. This is consistent with the SDRA10 – Northeast Inner City Regeneration Area and with the Guiding Principles for Key Opportunity Site 1 (Chapter 13 of CDP) and with a broad range of policies in various chapters of the CDP as summarised in 6.3 above.
- 8.4.11. Some of the third-parties have questioned the need for an additional pedestrian link, particularly in terms of the impacts on the architectural heritage of the site and area. The conservation approach will be addressed below. However, notwithstanding the conservation issues raised, it is considered that in principle, the provision of an additional pedestrian link at this location would be a positive element in the overall regeneration of the area by providing enhanced permeability into and through the centre of the urban block, which is a fundamental objective of the Dublin Central Masterplan for the area.
- 8.4.12. Some third parties raised concerns regarding the viability of the units given the considerable number of restaurants and hot-food take-aways on O'Connell Street, which has also been identified as contributing to a poor environment on the street. The applicant has provided a report by a property consultant confirming that the viability of the proposed units is not in question. It is acknowledged, however, that hot-food takeaways are not generally permitted within the O'Connell Street and Environs Special Scheme of Planning Control (2022). However, the proposed restaurant, which replaces an existing restaurant, is very small (35m<sup>2</sup>) and is unlikely to be able to operate as a sit-down only restaurant/café. I note that the P.A.'s planning report stated that flexibility to enable the developer to attract an end user could be considered subject to an appropriate condition agreeing to the precise end-users prior to first occupation.

- 8.4.13. It is further noted that the ground floor uses proposed for Site 2 comprise a mix of retail and restaurant/café uses with take-away facilities, whereby the applicants are seeking flexibility as to how they will function. This could theoretically result in a high level of takeaway restaurants along the street. However, the board should note that it is suggested in the concurrent application/appeal (318316 – site 2) that a condition be attached to any permission requiring the agreement of the P.A. to the specific use of each unit prior to the occupation of each unit. This condition is broadly similar to a condition attached to the P.A. decision for that site.
- 8.4.14. It is likely, therefore, that the nature of the ground floor uses will be controlled by the P.A. going forward and that this is likely to be carried out in accordance with the objectives for the area in this regard. Having regard to the foregoing, it is considered that the use of the ground floor as proposed is acceptable in this instance. In terms of the kiosk fronting Henry Place, it is further considered that the introduction of a small shop at this location would complement the proposed range of uses for the lane, including the hotel on Site 3. A condition requiring the agreement of the P.A. to the specific use of each unit should be attached should the Board be minded to grant permission.
- 8.4.15. In conclusion, it is considered that the proposed development of Site No. 61 O'Connell Street is generally consistent with the zoning objective and a range of policies and objectives for the area. The adequacy of the residential accommodation and the appropriateness of the conservation approach will be addressed in the following sections.

## **8.5. Residential amenity and quality of accommodation**

- 8.5.1. The potential impacts on the residential amenity of the area during the construction phase include noise, dust, vibration and traffic-related nuisance. However, the applicant has submitted an Outline construction and Demolition Management Plan which would ensure that adverse impacts would be kept to a minimum. It is also noted that the proposed development is small in scale and is relatively remote from any existing residential uses.
- 8.5.2. The potential impacts from the operational phase of the proposal (as amended) would relate to the operation of the restaurant. This would include noise and odour



and possible disturbance from patrons. As the existing use is as a restaurant, it is considered that these matters could be addressed by means of conditions.

- 8.5.3. As stated previously, the conversion of the upper floors to residential units is to be welcomed as it is generally consistent with a range of national and local policy objectives regarding provision of residential accommodation above commercial ground floor units, in particular CDP policies QHSN 7, 8 and 10. The reintroduction of residential uses to the upper floors of the buildings on O'Connell Street is also consistent with the policy objectives for the street contained in both the Special Planning Control Scheme and in the O'Connell Street ACA.
- 8.5.4. The planning application is accompanied by a Housing Quality Assessment (HQA) (included in the Architectural Design Statement). In terms of the quality of the accommodation, the P.A. had noted, in the initial planning report, that the proposed units (at 70m<sup>2</sup>) were below the Apartment Guidelines recommended standard floor area of 73m<sup>2</sup> but had considered that several CDP policies allow for flexibility where the units meet other standards and involve refurbishment of Protected Structures and Living Over the Shop and reuse of vacant/underutilised buildings initiatives.
- 8.5.5. I would agree that the policy framework incorporates flexibility along these lines and that the benefits of the proposed residential use of the upper floors outweigh the failure to meet all of the standards, which in any case is relatively minor. It is further noted that the apartments are of a reasonable size and layout, are dual aspect and have well-proportioned rooms with adequate levels of privacy. There are no balconies or private open space provision, which is justified by the applicant on the basis that there were never balconies on the elevations and the apartments are located in a highly accessible area with access to a range of amenities and facilities including planned new public plazas and existing amenity areas in the city centre. I would agree that the introduction of balconies would be inappropriate from an architectural heritage perspective and that the lack of private amenity space is compensated for in other ways.
- 8.5.6. The proposed development was amended at FI stage whereby the proposed gym was omitted and the resultant space dedicated to a mixture of residential storage and retail storage. The ground floor passageway also provides for access to the apartments and to the associated bin storage and bicycle storage areas. It is

considered that the storage facilities, waste facilities and bicycle parking facilities are appropriate and comply with the accommodation standards in the Apartment Guidelines.

- 8.5.7. A Sunlight, Shadow and Daylight Analysis accompanied the application. It is pointed out that there would be no impact on neighbouring properties or public streetscape as there are no changes proposed to the existing building form. As such, it was concluded that the impact on the shadow environment would be 'Imperceptible'. In terms of overshadowing, the BRE 209 guide recommends that for all relevant amenity spaces, at least half of the area should receive at least two hours of sunlight on the 21<sup>st</sup> March. However, as the proposed development does not include any new private amenity spaces, this assessment is not applicable.
- 8.5.8. In terms of sunlight availability within the proposed development, the requirement is that at least one habitable room would receive 1.5 hours of sunlight on the 21<sup>st</sup> March (BS EN 17037). The analysis showed that all bedroom and all kitchen/living spaces would meet the sunlight standards, apart from the first-floor apartment kitchen/living area. The FF unit would not meet the 1.5 hours standard once the Site 3 Hotel is completed but would achieve 66% of the requirement. However, it was emphasised that the proposal relates to a Protected Structure and that there is a requirement to retain as much historic building fabric as possible. In addition, it was pointed out that this is a city centre site with the immediate surroundings subject to significant regeneration proposals. As such it was submitted that the shortfall, which amounts to half an hour, was acceptable in these circumstances.
- 8.5.9. I would agree with this assessment and note that all of the other rooms in the proposed units would receive more than 1.5 hours, with most receiving between 3 and 4 hours. Furthermore, the detailed Daylight analysis showed that all rooms within each apartment would meet and significantly exceed the targets set out in BS EN 17037:2018. The proposed residential development would, therefore, be acceptable in terms of access to daylight and sunlight.
- 8.5.10. It is noted that since the P.A.'s decision, a new set of guidelines relating to residential development have been published by the Government - **Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (Jan. 2024)**. In Section 3.3 of this document, the key priorities are set

out for the growth of Cities and Metropolitan Areas, including Dublin City. These include strengthening the city centre, protecting, restoring and enhancing historic fabric, realising opportunities for adaptation, reuse and intensification of existing buildings and brownfield/infill and compact development at suitable locations. Table 3.1 recommends residential densities of 100-300 dwellings per hectare in Dublin City Centre. The proposed development represents c.60dph, but as it involves the conversion of a Protected Structure, this is probably the maximum density that could be achieved.

- 8.5.11. SPPR3 and SPPR4 relate to car parking and cycle parking standards, respectively. In city centre locations, car parking should be minimised or eliminated completely and adequate cycle storage in a safe and secure dedicated facility must be provided. The cycle space standard is 1 space per bedroom plus visitor parking. The proposed development does not provide any car parking spaces but provides for a dedicated cycle storage area, accessible via the passageway, for 8 bicycles, which is in compliance with the SPPRs.
- 8.5.12. In conclusion, having regard to the policies in the Compact Settlement Guidelines, the Apartment Guidelines and to the CDP policies as discussed above, it is considered that the proposed residential units are appropriate in terms of meeting the quality standards for accommodation and would generally accord with the policy framework for the area.

## 8.6. Conservation Impacts

- 8.6.1. Concerns have been raised regarding the conservation approach taken as part of the proposed development. A range of documents have been submitted with the application including the Conservation Strategy for the Dublin Central Masterplan area, an Architectural Heritage Impact Assessment document (2022), which was amended in the FI submission of 28/07/23, Chapter 15 of the EIAR (2022) which was amended in the FI submission of 28/07/23, and EIAR appendices including Building Inventory and Record Description of No. 61 O'Connell Street Upper.
- 8.6.2. **No. 61 O'Connell Street Upper** is a terraced, 2-bay, 4-storey over basement brick-fronted Mid-18<sup>th</sup> Century house with a single-storey over basement extension at the rear. It was built in the 1760s and remained in residential use until c.1840. The

building has been extensively modernised internally with some external modifications also, but its 18<sup>th</sup> Century form is still appreciable. The front elevation is of red brick with a Flemish bond, although parts of the elevation have been reconstructed with more modern brick and pointing. The window openings have square-headed, lugged Roman cement architraves with hood mouldings and granite cills.

- 8.6.3. The first-floor window cills on the front façade have been raised using a modern brick and the original shopfront has been replaced several times, with similar modern brick on either side of the current shopfront. A later Edwardian shopfront was replaced in the 1970s and again in the 1980s by a more modern shopfront with a deep fascia, untypical of O'Connell Street. The AHIA had identified the possibility of remnants of the older shopfront being present underneath the brick piers. The basement has been filled in but is in use and the brick coal cellars under the pavement are still intact and accessible.
- 8.6.4. The original building had a steep roof with imposing chimney stack and the front was embellished with quoins. There is evidence that at least part of the chimney stack may date from the 18<sup>th</sup> century. The rear elevation has been identified as a possible 'gabled Dutch Billy' and is currently clad in a sand cement render with modern windows. The rear extension is relatively recent, with a flat roof, which I noted on my site inspection has previously been used as a beer garden with timber fencing enclosures. I also observed a series of extraction fans/ducts, and a plant enclosure attached to the rear elevation above the flat roof.
- 8.6.5. Internally, the building has been extensively modified with new floors, ceilings and staircases and the walls have been lined. The first floor is spread across multiple levels. There is no visible evidence of original features, but the possibility exists of architectural details/historic fabric remaining beneath the wall linings. Most of the windows have been replaced with more modern ones, although the second-floor windows are slightly earlier, but unlikely to be original (FI 28/07/23 – Item 4c).
- 8.6.6. The front façade is a **Protected Structure (6029)** and is listed on the **NIAH** as being of **Regional importance (50010534)** and the categories of special interest are identified as being Architectural and Artistic. The AHIA has included a Statement of Significance (3.0) which identifies the building as being of '**High significance**'.

- 8.6.7. **Proposed development** - the proposed development comprises the conservation, repair, refurbishment and adaptive re-use of the building as a restaurant/café and a kiosk shop at ground floor level with three apartments, one on each of the upper floors. It also includes the provision of a new shopfront to the front (in place of the existing one) and one to the rear and the removal of part of the ground floor to provide for a new arched passageway linking O'Connell Street with Henry Place. The existing rear extension would be demolished and a new single-storey extension constructed, which would accommodate the proposed kiosk, along with ancillary storage for the principal uses. The FI submission of 28<sup>th</sup> July 2023 proposed the retention of the existing rear wall (apart from the later additions overhead) and its adaptation to accommodate the kiosk and arch.
- 8.6.8. In addition to the replacement of the current shopfront, the external works include the repair, consolidation and repointing of brickwork, cleaning of stonework, replacement of cement render with lime render, replacement of non-original windows, repair of roof and chimneystack and provision of a rooflight. The internal works include the removal of non-original partitions, plasterboard, ceiling tiles, staircases, fixtures and fittings and the concrete basement slab. It is also proposed to install new partitions, new ceilings, stairs, kitchens and bathrooms, as well as strengthening existing floors and fireproofing surfaces. It is also proposed to replace services, fixtures and fittings.
- 8.6.9. It is intended to retain surviving historic fabric where possible and to improve the outward front and rear elevational appearances. The AHIA states that the conservation approach is to retain, restore and enhance the house's architectural significance in accordance with the Charters of Venice 1964, Granada 1985, Washington 1987 and Burra 2013 (AHIA 5.0). It is further stated that works will be undertaken in accordance with the principles of honest intervention and in a manner which does not detract from the significance or value of the original fabric and to use the least invasive methodologies possible. All interventions will be designed to be reversible where possible. A full measured survey of the building has been undertaken to record the building and further, more invasive investigations will be undertaken once the building has been vacated.
- 8.6.10. Section 6.0 of the AHIA (as amended by FI 28/07/23) sets out the schedule of interventions and associated impacts, a summary of which is as follows:

- First intervention - the change of use to café/restaurant and residential uses which are considered to give rise to positive impacts on the character and appearance of both O'Connell Street and Henry Place and to the ACA.
- Second intervention - the replacement of the O'Connell Street shopfront, the visible component of which is non-original and of no heritage value. It is likely that the earlier shopfront has been significantly altered or lost. However, should fabric of heritage value be uncovered during exploratory investigations, it will be incorporated into the design of the new shopfront. The removal and replacement of the shopfront would have a positive impact on the ACA.
- Third intervention - the creation of arched access through the ground floor, which will necessitate the removal of historic fabric along the route including part of the floor and chimneybreast. Options to retain the chimneybreast here were considered but this would have either compromised the width of the passageway or it would have been positioned deeper into the floorplan, thereby adversely impacting the future use of the ground floor.

8.6.11. The remainder of the proposed interventions involving demolition/removals relate to the demolition of a non-original extension (and construction of new extension in its place), removal of later internal interventions and the removal of the basement slab. Other interventions involve works to non-original floors, installation of new partition walls, thermal upgrades, installation of mechanical and electrical services, including a lift. The construction of a lift pit may also require underpinning of existing walls. It is also proposed to restore the upper front façade, a protected structure, restore/re-render the rear façade, replace the windows on the front and rear with traditional style windows and repair the roof. All of these works will be carried out in accordance with best conservation practice. Conservation methodologies are outlined at Section 7.0 of the AHIA.

8.6.12. **Third party concerns** relate mainly to the impact of the archway on the protected façade, particularly since the protected status has recently been extended to include the ground floor, the need for the archway and the lack of intensive site investigations to establish the presence of historic fabric. Issues were also raised regarding the combined impact of the overall development of Site 2 and No. 61 on the O'Connell Street ACA and on the character of Henry Place.

8.6.13. In terms of the need for the archway, it is considered that this element of the proposed development is consistent with the overall emphasis in the masterplan of seeking to unlock the hitherto confined and impermeable urban block which has resulted in stagnation and under-utilisation of the area to date. I would accept that the policy framework for the area, as expressed in the SDRA 10 (Key Opportunity site 1) of the CDP and in the O'Connell Street and Environs Scheme of Special Planning Control (2022), identifies the need for the introduction of new permeable routes through the block as part of the regeneration proposals for the area. Thus, in principle, the introduction of the passageway is justified on policy grounds. However, it is still necessary to ensure that the proposals are also consistent with the heritage protection policies for the area.

8.6.14. It is a requirement of Policy **BHA 2** of the CDP to ensure that development of a Protected Structure will conserve and enhance the integrity and special character of the PS, which includes respect of the historic fabric and special interest of the interior, its plan form, hierarchy of spaces and its architectural detail. Policy **BHA7** also requires that the special interest and character of the ACA be protected. As stated previously, the building has been extensively modified over the years, both internally and externally, and the extent of historic fabric remaining is somewhat limited. However, the proposal to retain the entire structure and conserve, repair, refurbish and restore it with the reintroduction of appropriate uses on the ground and upper floors, represents a significant improvement on the previously permitted scheme (PL.29N.232347) which involved the wholesale demolition of the fabric to the rear of the façade and an amalgamation of the plot with those adjoining. Thus, the fact that the façade, the external walls and the interior of the building will all be retained and refurbished in accordance with best conservation practice, and the building brought into active use, represents a significant positive impact in terms of the protection and enhancement of the historic fabric and integrity of the Protected Structure and on the character of the O'Connell Street ACA.

8.6.15. Similarly, the proposal to remove the existing non-original shopfront, which consists of a modern timber and glazed shopfront encased in a glazed shelter structure, which projects forward of the building line, together with an overly deep fascia would also result in a positive impact on the PS and on the ACA. The existing shopfront detracts from the character of both the PS and the ACA. The proposed replacement

shopfront, although narrower than the existing, is designed to comply with the shopfront guidance for O'Connell Street and would therefore positively contribute to the character and special interest of both the PS and the ACA. The proposed shopfront would comprise a stone parapet, fascia, reveal and plinth with clear glazing framed by a dark bronze metal frame, which would complement the architectural character of the building and help to integrate it with the visual unity of the street. The proposed arch would also be of stone with a stone reveal. In addition, the repair and conservation works planned for the upper floors of the front façade would protect historic fabric and would significantly improve the character and restore the integrity of the Protected façade.

8.6.16. It is acknowledged, however, that the introduction of a new arched feature within the front façade, together with the creation of a passageway leading from the front to the rear boundaries, would significantly alter the appearance of the PS. This has the potential to permanently and negatively affect the character, integrity and legibility of the Protected façade. It is considered, however, that the proposed stone arch is not entirely an alien architectural feature in the streetscape, with prominent arches present in the buildings on either side and it is the type of traditional feature, which is sometimes present in Georgian terraces, providing access to the mews rear lanes. The insertion of gates into the arch is considered to be acceptable in principle, as it is a reversible intervention and would serve to make the access to the apartments more secure, but the detailed design of the gates should be agreed with the P.A. should the Board be minded to grant permission.

8.6.17. Furthermore, it is considered that the proposed arch and passageway are unlikely to result in a significant loss of historic fabric or plan form, as the ground floor has been utterly changed over the years with the largescale removal of internal and external walls (front and back), floors, staircases etc. and the installation of a steel beam, internal partitions and staircases. In addition, the developer has committed to carry out further investigative works prior to construction in order to establish whether there might be any historic fabric remaining behind the brick piers at either end of the shopfront. Should any additional elements of historic fabric be discovered, it will be integrated into the development.

8.6.18. However, it is noted that the proposed passageway would necessitate the removal of the remnants of the original chimneybreast from the ground floor and the



replacement of part of the traditional floor along the route with a more durable material. The removal of the chimneybreast would result in a significant loss of historic fabric, which is regrettable. It is stated that alternative options were found to be unworkable, as they would have either compromised the width of the passageway or the future use of the remainder of the ground floor unit. With regard to the removal of the floor at entrance level, which would be replaced with a concrete slab along the route, the potential to retain the remainder of the floor structure was explored. However, the extent of undisturbed area remaining once the new lift core and stairs are constructed was found to be such that this option became impractical.

8.6.19. Internally, the upper floors have also been altered to a considerable extent. However, the original internal walls and chimneybreasts are generally intact and will be retained. The revised plans submitted as FI (28/07/23) show that the proposed kitchen units and new partitions will respect the historic fabric and plan form.

8.6.20. The appellants considered that a decision should not be made in the absence of further investigative works regarding the presence of historic fabric. However, the developer has already provided a substantial amount of very detailed information with the application. In addition to the AHIA and the EIAR (Chapter 15 as amended), I would refer the Board in particular to the following documents, which are appendices to the EIAR (as amended):

Appendix 15:14	Building Inventory, Record & Description No. 61 O'Connell St.
Appendix 15:15	Outline Schedule of proposed works to retained fabric
Appendix 15.2	Chronology Drawings
Appendix A6	Building Materials Analysis Report Site 1 and 2 Dr. Jason Bolton

8.6.21. In response to the P.A.'s FI request, the developer has explained that further invasive surveys are not possible at the moment as the building is occupied by tenants and the surveys could not be carried out until they become vacant. The P.A. accepted this and attached a condition (No. 4) to require the additional surveys to be carried out at that time. The developer had also emphasised that numerous conservation specialists had been employed and that the proposed development is based on extensive research and analysis, which had informed the overall

conservation approach. It is considered that this represents a reasonable and pragmatic solution to these issues, and I would concur with the P.A.'s conclusions.

- 8.6.22. **In conclusion**, it is considered that overall, the proposed development represents a sensitive and well considered approach to the Protected façade with associated 18<sup>th</sup> century building, within the O'Connell Street ACA. Although much modified, great effort has been taken to identify, protect and enhance the historic fabric and special interests of the building. The proposed archway would permanently alter the character and appearance of the façade, and the detailed design of the gates need to be agreed. However, this feature together with the new shopfront would be generally sympathetic to the character of the building and the ACA, and the upper sections of the façade would be restored and enhanced. The rear elevation would also be restored in a more traditional manner. The wider benefits of the passageway in terms of the contribution it would make to the enhanced public realm and increased permeability of the area, and to the regeneration of this underutilised central area, which is designated for regeneration in the CDP, also need to be acknowledged. The proposed development would, therefore, be generally consistent with the heritage protection and regeneration policies in the CDP as outlined above.

## 8.7. **Archaeology**

- 8.7.1. The appellants consider that a full archaeological dig should take place as the site is located within the Zone of Archaeological Potential for the Historic City of Dublin. The proposed development relates to an existing 18<sup>th</sup> century house, which although much modified, the original form is still apparent. There are no proposals to demolish the building, however, and as such, a full archaeological dig would not be appropriate. However, there are proposals to alter/replace the basement slab and to install a lift which would affect the slab, which means that testing will be required in respect of any works below the current basement level.
- 8.7.2. As mentioned previously, there is also the possibility of the presence of early fabric in the chimney stack and a possible 'gabled Dutch Billy' (rear elevation), and the City Archaeologist has requested that a Historic Building Survey be provided in this regard. The FI Response to Architectural Heritage Concerns (Molloy & Associates) states (Item 5), that the information provided as part of the application, as

supplemented by the FI, comprises as detailed and comprehensive an inventory of the building as is possible at this time, given the full occupation of the building. It is the stated intention of the applicant to prepare a comprehensive record on completion of the stripping out of the mid-late 20<sup>th</sup> century linings and fitouts, which will enable expansion of the forensic building materials analysis and will inform the detailed design strategy for the sensitive adaptation of the structure. It is stated that this will address the issue of the Historic Building Survey but cannot be provided until the building has been vacated. This seems reasonable and can be addressed by means of an appropriately worded condition should the Board be minded to grant permission.

- 8.7.3. Given the archaeological potential of the site and area, it is considered that mitigation in the form of testing should be required as part of the basement works, prior to construction, as recommended by the P.A. Archaeologist. This can be addressed by means of an appropriately worded condition should the Board be minded to grant permission.

#### **8.8. Impacts on National Monument and urban battlefield site**

- 8.8.1. The third parties have raised concerns regarding the likely impact of the proposed development on the National Monument, mainly in respect of the design, scale and layout of the proposed development. However, it would appear that these concerns largely relate to the development of the other sites in the Masterplan area, such as Sites 2AB, 2C, 3, 4 and 5, as there are no proposals to change the building form of No. 61 O'Connell Street Upper. This site is also well removed from and not visually connected with the National Monument. It is considered therefore, that any potential impacts on the National Monument would not be likely to arise from the proposed development at No. 61 O'Connell Street Upper. However, consideration has been given in the Outline Construction Management Plan for the Masterplan to measures to protect the National Monument, including a buffer zone.
- 8.8.2. The third-party appellants also claim that Henry Place forms part of the National Monument, arising from the High Court judgement on the matter. However, this is not the case as the High Court ruling in relation to the extent of the National Monument was appealed to the Supreme Court, which concluded that the

designation of a National Monument is a matter for the Minister. The extent of the National Monument is shown in Fig 3 of the applicant's Response to the Third Party appeals as well as the 'Proximity zone' under the current Ministerial consent (C392). It is clear that the site of the current application/appeal at No. 61 O'Connell Street Upper is well removed from the designated National Monument.

- 8.8.3. Notwithstanding the above, the National Monument is located within a network of laneways which are associated with the '1916 Rising Urban Battlefield site', and Henry Place formed a critical part of the evacuation route from the GPO. Concerns were raised by third parties that the proposed archway and kiosk would affect the integrity of this route. It is noted that the AHIA (6.2.4) considered the potential for pre-1916 fabric to be present within the rear wall of No. 61 O'Connell Street Upper. However, based on information within the National Archives, it was stated that this is unlikely and that the significance of the wall is limited to framing the context of the evacuation route. It was therefore proposed to maintain the integrity of the existing building line and the sense of enclosure experienced in the public realm.
- 8.8.4. The applicant's response to FI (28/07/23) included revisions to the rear elevation of No. 61 O'Connell Street Upper which proposed the retention of the rear boundary wall. The amendments include the retention of the existing rear façade wall to Henry Place, while removing all modern additions at a higher level, which would improve the character of the laneway. The existing wall would be opened to accommodate the arch and the kiosk unit. It is intended to maintain and restore the original finishes. It is also stated that there is potential for future artwork to be provided for along the existing boundary wall to the rear of No. 61 O'Connell Street, which could relate to the historical background of 1916. The revised scheme is intended to ensure that the historic rear building line is retained so that the character of Henry Place and the integrity of the evacuation route would be respected.
- 8.8.5. In conclusion, in light of the proposed amendments, it is considered that the proposed development would not adversely affect the character or integrity of the evacuation route and is likely to enhance the appearance and legibility of this part of the laneway. Together with the proposed public realm and other improvements to the network of laneways, this area which is currently inhospitable and neglected, would also be considerably enhanced and be made more accessible and attractive to the

public. Thus, it is considered that the proposed development would contribute to a positive impact on the character and appearance of the urban battlefield site.

## 8.9. Sustainability and Climate Action

- 8.9.1. Third party appellants have objected to the demolition of elements of the building on the basis that it is a policy of the City Council to oppose the demolition of buildings to help mitigate the effects of climate change. **Chapter 3** of the **Dublin City Development Plan 2022-2028** sets out the Council's Climate Action policies and objectives, which are stated to be in accordance with the overall objectives of the National Climate Action Policy, the Dublin City Council CCAP (2019-2024) and the climate action principles set out in the NPF and RSES (3.5). The mitigation and adaptation responses include achieving sustainable settlement patterns in which compact growth, and the regeneration of brownfield lands is a priority. Key mitigation actions for the Built Environment Sector include retrofitting existing buildings and minimising proposals for demolition in order to reduce emissions, incorporating sustainable measures into building design, reducing energy demand and increasing energy efficiency as well as making new development resilient to climate change.
- 8.9.2. Relevant policies include **CA6** which seeks to promote and support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction, where possible. Section **15.7.1** also encourages the re-use of existing buildings and where it is proposed to demolish the building, justification must be submitted setting out the rationale for demolition having regard to the 'embodied carbon' of existing structures and demonstrate that all options other than demolition, such as refurbishment, extension or retrofitting are not possible; as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures.
- 8.9.3. In addition, the Built Environment Chapter (11) contains further policies to address climate change. At **11.5.4**, it is stated that the enhanced thermal performance requirements (Part L) of Building Regs do not apply to buildings on the RPS, but the P.A. would encourage retrofitting of energy efficiency measures where it would not harm or compromise the special interest of a protected structure. Relevant policies include **BHA22 Upgrading of Environmental Performance, BHA24 Reuse and**

**Refurbishment of Historic Buildings and BHA25 – Presumption against the loss of access to upper floors.**

- 8.9.4. The proposed development is for the retention, conservation, repair and adaptive re-use of an established building of 18<sup>th</sup> century origin. As discussed previously, these works are to be carried out in a sensitive manner in accordance with best conservation practice. It includes the removal of some elements including the shopfront, the route of the passageway and the rear extension, as well as the removal of some internal partitions and elements. However, it is considered that these works could not be described as ‘substantial demolition’. It is assumed, therefore, that the appellants are referring to the demolition involved in the other Masterplan applications, particularly in Site 2. I would refer the Board to Section 8.13 of my report on the concurrent file (318316) where this issue is addressed in detail in relation to Site 2.
- 8.9.5. In respect of No. 61 O’Connell Street Upper, the fact that the building is to be retained with limited amounts of demolition, given that it had been previously scheduled for demolition behind the façade, is more in line with current climate action policies. The re-introduction of residential and retail/restaurant uses is also in accordance with sustainable development policies, as it would deliver a mixed-use development in a centrally accessible area. The proposed introduction of the passageway would increase the permeability and accessibility of the area on foot. The proposed development does not include any car parking spaces but complies with the standards for cycle parking, which is consistent with the sustainable development of the area. The AHIA details the schedule of works to be carried out and it is clear that the energy performance of the building will be improved in a manner that is sensitive to the historic building.
- 8.9.6. It is, therefore, considered that the proposed development is generally in accordance with the Climate Action policies of the City Development Plan. It is further considered that the proposed development would be consistent with the most recently approved Climate Action Plan, national long-term climate action strategy and national adaptation framework and with the most recently approved Dublin City Climate Change Action Plan.

#### **8.10. Feasibility of the commercial units and passageway**

These issues were raised due to the abundance of existing food and beverage outlets on O'Connell Street and the fact that the passageway would be locked periodically. These matters were raised in Item 3 of the P.A. FI Request. The applicant intends to establish an Estate Management company which will provide services for lands or buildings retained under the control of the applicant, including the management and security of the passageway. It is stated that pedestrian access will be restricted outside of public hours, at times to be agreed with the P.A. a condition to this effect would be welcomed. This seems reasonable.

8.10.1. It is noted that access to the apartments is from the arched passageway, which avoids the provision of a further entrance from the street. Access is also provided to the residential bicycle store and to the refuse storage areas for both the residential and commercial units. This would ensure that safe and secure access is available to the tenants of all units and that bins would not be cluttering up the street. It would also comply with policy BHA25 which seeks to ensure that there is proper provision made for separate access to upper residential floors above commercial units. This is considered to be acceptable, and should the Board be minded to grant permission, an appropriately worded condition should be attached requiring a final Estate Management Plan to be provided including details of the management-controlled access arrangements.

8.10.2. In terms of the viability of the units, the FI included a report by Bannon Property consultants in which it was stated that there is ample demand for such uses in this area and that the units were sufficiently adaptable to host a range of potential future commercial tenants. It was concluded that both units are commercially viable. I would agree that the proposed uses appear to be appropriate for this area and together with the passageway, these active uses at street level would encourage footfall through the area with enhanced permeability and a more attractive and secure public realm. The proposed kiosk would also complement the proposed active uses and hotel building that will front onto Henry Place. The proposed units are therefore considered appropriate.

## 8.11. Construction related matters

8.11.1. The matters raised by **third party appellants and observers** to the impacts of the construction phase on the viability of the Moore Street Markets and the independent traders in the vicinity generally related to the construction phase for the overall regeneration project on the Dublin Central lands. These included the following

- Displacement of the Moore Street Markets due to nuisance and disturbance during the construction phase by reason of noise, vibration, dust and traffic which would affect the operation of the markets.
- Adverse impact on independent traders due to loss of footfall due to relocation of the markets and by reason of the impacts on amenity due to noise, vibration and dust, and disruption from construction traffic.
- Construction traffic impacts including the route of the haul route, temporary changes to the traffic flow, the volume of construction traffic and associated noise, dust and vibration as well as debris on the streets.
- Excessive duration of 11-year permission.

8.11.2. The current proposal before the Board relates to No. 61 O'Connell Street Upper, which can be constructed independently of the other developments within the Masterplan area. As such, the issues raised are not entirely relevant to the current application/appeal., which relates to the refurbishment and extension of a single building. The majority of the works relate to internal and façade refurbishment with the demolition and replacement of a single-storey rear extension. Repair works will also be carried out which will require scaffolding.

8.11.3. The Outline Construction and Demolition Management Plan submitted for the proposed development indicates that the construction works would be confined to the site with hoardings erected on the O'Connell Street and Henry Place boundaries, with deliveries via Henry Place. Standard construction management mitigation measures will be put in place to control emissions such as noise, dust and vibrations. A temporary loading bay will be constructed on the lane with controlled drop-offs and just-in-time deliveries, which will be strictly controlled by the Contractor. An Outline Construction Traffic Management Plan has been submitted for the Masterplan area. Once the construction programme is finalised, following the appointment of the



Contractor, a detailed breakdown of vehicle movements will be available, and the final construction traffic management plan will then be agreed with the P.A.

- 8.11.4. The proposed 11-year duration of permission relates to Site 2 and does not apply to No. 61 O'Connell Street. The concurrent application/appeal for the proposed development of Site 2 (318316) includes a series of documents which demonstrate that a range of mitigation measures will be put in place to address the environmental issues arising from the construction phase, including noise, dust, fumes and traffic safety. The site of the proposal is relatively remote from the Moore Street markets and associated shopping area and it is unlikely to be unduly affected by construction impacts, provided that the mitigation measures are implemented. It is considered that the construction impacts arising from the proposed development are unlikely to result in any significant environmental impacts on the area, once the mitigation measures are implemented.

## **8.12. Planning Assessment Conclusion**

- 8.12.1. It is considered that the proposed mixed-use development would contribute to the regeneration and revitalisation of the area which is designated as a Key Opportunity site in need of regeneration. The proposal to retain, conserve, repair and refurbish the modified 18<sup>th</sup> century building for adaptive re-use together with the sensitive and well considered conservation approach to the Protected façade and the historic building are welcomed, as it would retain a historic building in use, would contribute positively to the character and special interest of the Protected Structure and the O'Connell Street ACA, and would also be consistent with the climate action and sustainability policies of the Development Plan and the national Climate Action Plan.
- 8.12.2. The proposed archway would permanently alter the character and appearance of the Protected façade. However, this feature when taken together with the new shopfront, would improve the appearance of the building and would contribute positively to the character of the ACA. It is unlikely to result in the loss of a significant amount of historic fabric due to the considerable level of modifications to the building. The passageway would contribute to an enhanced public realm and increased permeability of the area, which would facilitate the regeneration of this underutilised central area. The proposed development would, therefore, be generally consistent

with the national and regional policies and guidance and provide for an appropriate balance between the heritage protection and regeneration policies in the current Dublin City Development Plan 2022-2028.

## 9.0 Environmental Impact Assessment

### 9.1. Introduction

- 9.1.1. This section of the report comprises an Environmental Impact Assessment of the proposed project. Some 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 the relevant sections of the Planning Assessment. **In the sections below (9.0) the Board should note that all references to the EIAR relate to the revised EIAR and associated appendices which were submitted with the FI on the 9<sup>th</sup> of August 2023, (and dated 28<sup>th</sup> July 2023), unless specifically noted otherwise.**
- 9.1.2. Both the amending EIA Directive (Directive 2014/52/EU) and the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 are applicable in this case. In terms of classes of development in Schedule 5 of the Planning and Development Regulations 2001, as amended, for which an EIAR is required, the site the subject of this appeal, at 0.02ha, 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 within the Dublin Central Masterplan area, (with an area of 2.2ha), the said threshold is exceeded.
- 9.1.3. An EIAR was submitted with the application, which was amended in response to a request for further information. It provides for a holistic assessment of environmental impacts and mitigation measures for No. 61 O'Connell Street Upper and Site 2, (comprising Sites 2AB and 2C), which was submitted concurrently with the current application. It also provides an assessment for the overall development of the Dublin Central lands (2.2ha), including Sites 3, 4 and 5, for which development proposals have already been decided by the Board, but are currently the subject of a Judicial Review.

### ***Compliance with Legislation***

9.1.4. The EIAR consists of two volumes, grouped as follows:

Volume 1: Written Statement and Non-Technical summary

Volume 2: Appendices

9.1.5. 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 of the project. 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) above. 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 of the EIAR. Where proposed, monitoring arrangements are also outlined. Any difficulties which were encountered in compiling the required information are set out under the respective environmental topics.

9.1.6. 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 the EU Directive 2014/52/EU, amending Directive 2011/92/EU and Article 94 of the Planning and Development Regulations 2001, as amended.

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

9.1.8. I have carried out an examination of the information presented by the applicant, including the EIAR and revisions to the EIAR as submitted to the planning authority on the 9th of August 2023, and of the submissions made during the course of the application and appeal. A summary of the submissions made by the third parties, the first party, the planning authority and the prescribed bodies has been set out at sections 4.0 and 7.0 above.

9.1.9. The main issues raised specific to EIA may be summarised as follows:

- Impacts on cultural heritage and loss of historic fabric
- Landscape and visual impacts on townscape.
- Impacts on population and human health during the construction phase from noise, vibration, dust and traffic and during the operational phase, in terms of potential positive impacts that will see the regeneration of the area.

These issues are addressed below under the relevant headings and as appropriate, in the reasoned conclusions and recommendations, including conditions.

## **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. The prescribed bodies that the applicant engaged with include Transport Infrastructure Ireland, Irish Water and the Irish Aviation Authority. In accordance with the requirements to submit the relevant information to an EIA portal, the applicant confirmed that it had submitted an application form, a copy of the public notice and a site location plan to the Department of Housing Planning and Local Government.

9.2.2. Submissions received during the course of the planning authority's assessment of the application, including submissions from prescribed bodies, are summarised in Section 4 above with the third party appeals and observations received by the Board summarised in Section 7 above. The third parties expressed concern regarding the lack of a 3D scale model and the separation of the masterplan area into a number of

smaller individual sites with separate applications and appeals, both of which, it was claimed, made it more difficult to engage with the applications/appeals.

- 9.2.3. The applicant has confirmed, however, that the 3D scale model was submitted to the P.A. with the RFI in August 2023. It was further submitted that the applicant has been fully transparent with its future proposals in the wider masterplan area and that both the individual and the combined effects of the project with the other projects in the masterplan area are fully considered in the EIAR and the Appropriate Assessment Screening Report. The rationale for this approach is due to the necessity to consider phasing and construction constraints, viability in terms of securing funding for different streams, allowing for maximum flexibility and ongoing discussions with TII regarding the facilitation of the Metrolink Enabling Works. It is stated that being able to progress the development in individual stages within the masterplan means that the risk of delay on one site can be absorbed, and progress can be made on other sites.
- 9.2.4. I consider that the requirements in terms of consultation 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 phase, 7 no. possible risks were identified whereby the proposed development has the potential to cause or be impacted by a major accident/disaster (Table 17.4). These potential risks included flood risk, fire/explosion risk, unplanned outages to services, road traffic accidents, contamination of groundwater or surface water, falling debris from trucks and the release of asbestos fibres to atmosphere or surface water. However, none of these potential risks required further assessment and will be managed during the construction phase through the Construction and Demolition Management Plan.
- 9.3.3. During the operational phase, 8 no. potential risks were identified whereby the proposal has the potential to cause or be impacted by a major accident/disaster (Table 17.5). These potential risks included flooding, risks associated with an

incident at a SEVESO site, fire/explosions or acts of terrorism involving an incident at the nearby LUAS or future Metrolink station. No further assessment was required in respect of flooding as the site was found not to be at risk of flooding (FRA) or in terms of proximity to a Control of Major Accident Hazards (COMAH) site as the nearest site is 2.5m from the masterplan area and the site is not connected to any COMAH site. However, a risk of an incident (fire explosion/act of terrorism) arising from the LUAS and Metrolink needed further investigation. The risk was given a score of 8 indicating a scenario that it is **'very unlikely'** to occur, but which would have **'very serious'** consequences should it do so, indicating a **'medium risk scenario'**.

- 9.3.4. No cumulative effects were identified. Although the residual risk was assessed as medium for the operation phase, no mitigation or monitoring measures are proposed specific to reducing the risk of major accident/disaster during operation. 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. I am satisfied that this issue has been addressed satisfactorily in the EIAR.

#### 9.4. Alternatives

- 9.4.1. Chapter 4 of the EIAR addresses alternatives. Article 51D of the 2014 EIA Directive requires: -

*'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' as follows:

*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 selecting the chosen option, including a comparison of the environmental effects.*

- 9.4.3. Reference is made in the EIAR (Chapter 4) to the EIAR Guidelines published by the EPA 2022. These guidelines provide advice on the sequence of alternative options that exist, but state that not all options such as alternative site locations will be available for every project. Thus, the applicant is required to describe the reasonable alternatives examined during the design process with an indication of the main reasons for selecting the chosen options. The main types of alternatives that should be considered are the 'do nothing' alternative and alternative locations, layouts, designs, processes and mitigation measures. I consider that the reasonable alternatives studied by the project design team are in accordance with this advice.
- 9.4.4. No alternative site locations 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. As part of the Dublin Central regeneration project, it is also considered to be in accordance with the national, regional and local policies whereby the primacy of the city centre within the retail hierarchy is reinforced and the redevelopment of brownfield sites in the city centre on sites that are well served by public transport is encouraged. As such, the site was considered to be entirely suitable for the proposed development and no alternative site could achieve the same sustainable, compact redevelopment and regeneration of an underutilized site at a city centre location.
- 9.4.5. In terms of the 'do nothing' scenario, it is stated that the failure to carry out the Dublin Central development would represent a lost opportunity to develop this brownfield city centre site and would result in the unsustainable and inefficient use of these lands, which would be contrary to the council's objectives to promote compact Urban Development and the regeneration of brownfield lands at this site in accordance with national, regional and local planning policy guidance.
- 9.4.6. The alternative layouts and designs assessed include the scheme previously permitted on the overall lands under planning reference PL29N.232347 (2479/08). The permitted scheme (as revised) involved a retail-led mixed-use development (c.122, 892sq.m) ranging in height from 3-6 storeys, over 3 levels of enclosed basement parking with an associated network of open, sheltered and enclosed streets. A new east-west street connecting O'Connell St. and Moore St. and another new street connecting with Henry St. was also proposed. It is noted that pursuance of that scheme would not have facilitated the provision of the Metrolink station box.

This is assessed as a significant, negative and long-term effect which would be contrary to the objective to provide a significant public transport hub in the city centre. Otherwise, the proposed development was not found to have any perceived additional adverse effects during the construction or operational phases.

- 9.4.7. It should also be noted that under PL29N.232347, it was proposed to demolish Nos. 59-60 and No. 61 O'Connell Street Upper and to amalgamate plots. The Dublin Central Masterplan currently before the Board has excluded Nos. 59-60 and retained No. 61 (current application/appeal) to be refurbished and re-used as ground floor retail/restaurant and residential on the upper floors. This is considered to be a positive impact in terms of cultural heritage and townscape.
- 9.4.8. The other alternatives presented involved various iterations of the Masterplan Scheme and of Site 2 which were presented to the City Council during pre-application consultations from which modifications resulted. It is noted that as the application forms part of a Masterplan scheme, the options were largely determined during the course of the preparation of this masterplan, to which the city council and other stakeholders were involved. Consideration is also given to alternative processes and mitigation measures, which are outlined in the individual chapters where relevant.
- 9.4.9. Having regard to the Guidelines for Carrying out Environmental Impact Assessment (2022) 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. Likely Significant Effects on the Environment**

- 9.5.1. The likely significant direct and indirect effects of the development are considered under the following headings, as set out in Article 3 of the EIA Directive 2011/92/EU as amended by Directive 2014/52/EU:
- (a) Population and human health.
  - (b) Biodiversity, with particular attention to species and habitats protected under Directive 92/43/EC and Directive 2009/147/EC.



(c) Land, soil, water, air and climate.

(d) Material assets, cultural heritage and the landscape.

(e) the interaction between the factors referred to in points (a) to (d).

My assessment is based on the information provided by the applicant, including the EIAR, (as revised) in addition to the submissions made in the course of the application and the appeal, as well as my site visits.

9.5.2. In total the main EIAR (Volume 1) includes 21 chapters. Chapters 1-4 provide an Introduction to the project, Description of the proposed development, Alternatives considered, and Consultations undertaken. Chapter 5 addresses Population and Human Health, Chapter 6 addresses Biodiversity, Chapter 7 and 8 address Land, Soils, Geology and Water, Chapters 9, 10 and 11 address Air, Climate (including microclimate), Noise and Vibration, Chapter 12 addresses Landscape and Visual impact, Chapter 13 and 14 address Material Assets, Transportation (13) and Waste (14), Chapters 15 and 16 address Cultural Heritage, Architectural (15) and Archaeological (16), Chapter 17 addresses Risk Management and Chapters 18, 19 and 20 contain summaries of Mitigation Measures, Cumulative Impacts and Interactions and Residual Impacts, respectively. Chapter 21 contains a bibliography. Volume 2 contains a series of appendices relating to various chapters.

9.5.3. Each of the chapters are discussed below with respect to the relevant headings set out in the Directive (apart from Chapter 4 and 17, which were discussed above).

## **9.6. Population and Human Health**

9.6.1. 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, vibration, traffic, air quality and visual impact. The issues arising from traffic, air quality and visual impact will be addressed in greater detail in subsequent sections below.

9.6.2. Chapter 5 (updated) addresses population and human health and Chapter 11 addresses noise and vibration.

### *Receiving Environment*

- 9.6.3. I refer the Board to Section 2 of this report which gives a description of the site and the location. In summary, the site is located on O'Connell Street in the North-East Inner-city centre. It comprises a mid-terrace 4-storey over basement building which is in use as a restaurant at ground floor and basement levels with ancillary uses above. It fronts directly onto O'Connell Street Upper and has frontage to the rear onto Henry Place.
- 9.6.4. The site forms part of a wider urban block known as Dublin Central, which is a brownfield site comprising a mix of retail, commercial and vacant properties, which is the subject of a regeneration project. There are little to no residential units present, with the closest existing residential units at Greeg Court on Moore Street. There are a number of hotels in the overall vicinity and a large number of commercial premises in close proximity to the site, including Henry Street, Jervis Street and Moore Street, which also accommodates the open street markets.
- 9.6.5. The site is listed on the Record of Protected Structures, (Front façade), and dates from the 18<sup>th</sup> Century. There are a number of Protected Structures and a National Monument within the urban block and in the immediate vicinity, many of which are vacant in in a state of decline. The site also forms part of an Architectural Conservation Area. Tourism is a major industry in the immediate environs with policies in the Dublin City Development Plan promoting tourism in the city centre.
- 9.6.6. In a 'Do Nothing' scenario, the site would remain an underutilised city centre site with a poor-quality shopfront and rear boundary elevation with an absence of active uses fronting onto Henry Place, which would have a knock-on negative impact on the vibrancy and vitality of the surrounding areas.

### *Predicted Impacts*

- 9.6.7. Positive impacts on the economy and employment would arise in terms of direct effects on job creation during the construction phase which would be short term with longer term impacts during the operational phase.
- 9.6.8. Short-term negative impacts on human health and on the amenities of existing residents, market traders and business owners are anticipated during the construction phase. These include air quality and noise and vibration impacts, as

well as additional traffic movements. These will be discussed under the relevant headings below. In addition, impacts during construction on local tourist attractions were identified which would be slight negative and short-term.

- 9.6.9. Short-term negative impacts on human health and on the amenities of existing residents, market traders and business owners are anticipated during the construction phase. These include air quality and noise and vibration impacts, as well as additional traffic movements. These will be discussed under the relevant headings below. In addition, impacts during construction on local tourist attractions were identified which would be slight negative and short-term.
- 9.6.10. Air quality and noise during construction could have potential impacts on human health. The major dust generating activities include demolition, earthworks, construction and trackout, which have the potential to impact human health due to the release of PM<sub>10</sub> and PM<sub>2.5</sub> emissions. The major noise generating activities for construction noise are identified including demolition and site clearance, basement excavation including piling works and construction traffic. Activities include the use of a variety of plant and equipment such as breakers, excavators, lifting equipment, dumper trucks, compressors and generators. In terms of vibration, the main potential sources during construction are associated with excavations, piling and foundation activities.
- 9.6.11. The assessment of these impacts and mitigation measures are set out in Chapters 9 and 11 and will be discussed in more detail below. In the absence of mitigation, it was predicted that there would be the potential for negative, slight and short-term impacts to human health in terms of dust emissions on the closest receptors. The impacts from vibration would be neutral, not significant and temporary and in terms of construction traffic, would be negative, imperceptible and short-term in the absence of mitigation. Apart from demolition and D-wall activities, the predicted noise impacts for all other construction activities are not significant in the absence of mitigation for all receptors.

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

- 9.6.12. To minimise significant nuisance arising dust and noise, a Preliminary Construction Traffic Management Plan and an Outline Construction and Demolition Management

Plans have been formulated. These plans include site management, demolition and clearance works, traffic management and dust minimization. Roadways are to be kept clean of dirt and other debris and a road sweeping truck is to be provided to ensure that this is so. The construction works would be hoarded off or fenced off from the public at all times.

- 9.6.13. A traffic management plan has been prepared by the contractor and will be agreed with Dublin City Council's Transportation Department and An Garda Síochána to mitigate any impact of construction on the surrounding road network. In terms of construction noise and vibration, Best Practicable Means are to be employed with the measures to be used detailed. Dust and vibration monitoring will be undertaken at the nearest noise sensitive receptors. Noise control audits are to be conducted at regular intervals. Liaison and communication with noise-sensitive receptors will be undertaken.
- 9.6.14. 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.
- 9.6.15. Where necessary, consideration will be given to controlling noise emissions from bars and restaurants within the proposed development. The entertainment sound will be controlled so that its levels at any adjacent noise sensitive location would not cause the ambient levels to increase when assessed over 5-minute back-to-back periods. As sensitive receptors within the development are much closer than off site sensitive receivers, once the relevant noise criteria are achieved within the development, it is expected that there would be no negative impact at sensitive receivers off site.

#### *Residual Impacts*

- 9.6.16. During the initial site work activities at the closest commercial receptors (within 10m) and the closest residential receptors (within 15m), there will be a negative, moderate to significant and short-term residual noise impact. At a 10-15m distance from the works, this will decrease to a negative slight to moderate and short-term noise impact. As the works move to a greater distance from the sensitive receptors there will be a neutral, not significant and short-term noise impact. Thus, it is predicted that there will be residual construction noise impacts at or above the relevant noise

criteria, but these impacts will lessen as the distance from construction works increase over time.

- 9.6.17. The residual impacts on businesses and residents arising from the operational phase are considered positive in terms of creation of employment, redevelopment of a city centre site and improvements to the public realm.

*Cumulative impacts*

- 9.6.18. The cumulative impact of other potential impacts on human health from air quality, noise quality and traffic have been incorporated into the various models and assessments that have contributed to the assessment of human health impacts.

*Population and Human Health - Conclusion*

- 9.6.19. Third party appellants and observers have raised the impacts of the construction phase on the existing retail environment. I would agree that the construction phase for the Dublin Central Masterplan area, which includes the project site, is likely to result in considerable negative impacts on the retail amenity of the area and in particular, in adverse impacts on the Moore Street market traders and existing businesses in the vicinity. The adverse impacts and level of disturbance on the amenities and businesses in the vicinity is regrettable. However, it is a temporary situation which will ultimately lead to a significantly improved shopping environment with considerable improvements to the public realm and a substantial increase in activity through the site, with associated increases in footfall. All of these factors will contribute to a significantly enhanced business and shopping environment and in the redevelopment of an important city centre site.

- 9.6.20. 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.

## 9.7. Biodiversity

- 9.7.1. Chapter 6 (unchanged) of the EIAR 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*

- 9.7.2. The site (which comprises the masterplan area) is located in a built-up area in the city centre and is covered by buildings, hard-standing areas and artificial surfaces. The Zone of Influence for habitat loss was confined to the site and for general construction activities, to a few hundred metres beyond the site. The site and the existing surface water drainage system drain to the River Liffey, and therefore the hydrological ZOI extends downstream to Dublin Bay. Desk and field studies were carried out to establish the baseline of the existing environment. The field surveys (June 2020 and April 2022) included habitat and flora surveys, terrestrial fauna surveys, ground-level assessment of buildings and breeding bird checks. Internal building inspections for bats were undertaken in July 2020 and April 2022 and bat activity surveys on the 2<sup>nd</sup> and 24<sup>th</sup> of July 2020.
- 9.7.3. The site is not within a designated area and the closest European Sites are South Dublin Bay and River Tolka Estuary SPA, which is 2.3km to the north-east and South Dublin Bay SAC which is 3.5km to the south-east. All other European sites are over 5km distant. There is no direct surface water hydrological link between the site and the European sites in the vicinity, but surface waters from the site and surroundings will drain to the existing surface water drainage system which ultimately discharges to Dublin Bay. Wastewaters drain via the combined sewer to Ringsend WWTP for treatment prior to discharge to Dublin Bay. The closest pNHAs are the Royal Canal pNHA (1.3km to NE) and the Grand Canal pNHA (1.6km to SE).
- 9.7.4. No habitats of any ecological value were found on the site. No protected species or invasive species of flora were found on site and no suitable habitats for such species were present. No protected species of fauna, such as badger or small mammals, were found and no suitable habitats to support these species were present. Three breeding bird species were observed, namely herring gull (amber-listed), feral pigeon (green-listed) and rook (green-listed). However, no evidence of nests was observed,

but potential nest sites were present. The breeding birds observed are of local ecological importance (higher value).

- 9.7.5. No bat roosts were observed, and bat activity was observed as being very low, with only two passes of a single bat species recorded during a dusk survey. This was likely to be commuting near the site to suitable foraging habitat. No other activity or any emergences or re-entries at the buildings were recorded during bat surveys. The buildings were considered to contain potential roost features, but no suitable habitat was observed for bats connecting this site to other suitable habitat. It was further stated that the heavily urbanised environment surrounding the site, with constant light and noise disturbance from O'Connell Street, together with the lack of vegetation and surrounding habitat, deem this site unsuitable for roosting bats.

#### *Predicted Effects*

- 9.7.6. In a 'Do Nothing' scenario there would be no change to biodiversity.
- 9.7.7. The existing Dublin Central site is 100% hardstanding with surface water drains on each of the Masterplan sites draining to the combined sewer network. Therefore, the proposed development is likely to provide a significant benefit in terms of the reduction in surface water runoff to the combined sewer and ultimately to the Ringsend WWTP. Construction runoff could result in pollution downstream via the existing surface water sewer. However, due to the location of the designated European sites in the downstream receiving environment, it is considered that there would no potential for significant effects arising from the construction or operation of the development on these sites. This is because there is a large freshwater and estuarine water buffer separating the designated sites from the Dublin Central Masterplan area over which it is anticipated that any potential pollutants would be absorbed and diluted to an extent that they would not be perceptible at the designated sites. Furthermore, any discharge of silt laden water to gravels or storm water would not result in any exceedances within the River Liffey, as settlement would occur in the gravel deposits or stormwater lines close to the site boundary.
- 9.7.8. Thus, there are no hydrological or hydrogeological risks associated with the development of the Dublin Central Masterplan or the project site at No. 61 O'Connell Street Upper and no European sites at risk of habitat degradation. Neither would there be any significant effects on nationally designated sites. As such and given that

all other developments will be subject to the same environmental policies and objectives in the CDP, there is no potential for cumulative effects arising from the proposal in-combination with other plans or projects.

9.7.9. There is potential for temporary displacement during the construction phase of herring gull and pigeons which can nest on rooftops, if works are undertaken during the breeding bird season, (i.e. 1st of March to 31st of August inclusive). Mortality of birds at the scale of the proposed development over what is likely to be a single breeding bird season in terms of completing site clearance works would probably have a short-term effect on local breeding bird population abundance. However, in the longer term this would be unlikely to affect the abundance or distribution of the breeding bird species recorded in the study area, nor would it be likely to affect the long-term viability of the local populations. The landscape planting proposed as part of the design may also serve to provide additional nesting and foraging opportunities as it matures over time, and upon completion of the development the rooftops would continue to provide nesting opportunities for herring gulls.

9.7.10. There is potential for temporary displacement during the construction phase of herring gull and pigeons which can nest on rooftops, if works are undertaken during the breeding bird season, (i.e. 1st of March to 31st of August inclusive). Mortality of birds at the scale of the proposed development over what is likely to be a single breeding bird season in terms of completing site clearance works would probably have a short-term effect on local breeding bird population abundance. However, in the longer term this would be unlikely to affect the abundance or distribution of the bird breeding bird species recorded in the study area, nor would it be likely to affect the long-term viability of the local populations. The landscape planting proposed as part of the design may also serve to provide additional nesting and foraging opportunities as it matures over time, and upon completion of the development the rooftops would continue to provide nesting opportunities for herring gulls.

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

9.7.11. The measures to be employed to protect ground and surface water which are detailed under the heading 'Water' below, in addition to the measures to deal with excavated soil which are addressed under the heading 'Soil', are relevant in terms of



biodiversity. To avoid undue repetition, I recommend that these sections be read in tandem.

- 9.7.12. The Outline Construction and Demolition Management Plan submitted with the application contains the procedures, standards, work practices and management responsibilities of the appointed contractor to address potential negative environmental effects that may arise during construction of the proposed development. Measures to mitigate noise and vibration levels and to reduce the effects on water will be in accordance with best practice.
- 9.7.13. Where feasible, vegetation will not be removed during the bird nesting season to avoid direct impacts on nesting birds. Where the construction programme does not allow for this, these areas will be inspected by a suitably qualified ecologist to check for the presence of breeding birds prior to clearance. Measures may also be employed to prevent/deter herring gulls from nesting on rooftops and pigeons from nesting in buildings in advance of the bird breeding season. No mitigation measures in respect of breeding bird species will be required during the operational phase.

#### *Cumulative impacts*

- 9.7.14. Potential cumulative impacts with other developments may arise during construction and operation as a consequence of the proposed development in combination with other plans and projects in the area in terms of water quality in the downstream environment and on disturbance and habitat loss to birds and also in terms of other developments that would result in increased noise, vibration and human presence. However, as any disturbance effects from other development are likely to be of a minor nature, temporary, localized and over a short duration, they are not likely to cumulatively affect the local breeding bird populations in conjunction with the proposed development.
- 9.7.15. Significant cumulative effects on biodiversity are not, therefore, predicted.

#### *Residual impacts*

- 9.7.16. No residual impacts are envisaged.

#### *Biodiversity - Conclusion*

- 9.7.17. 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.

## **9.8. Land and soil**

- 9.8.1. Chapter 7 (updated) addresses land, soil and geology. Chapter 14 which addresses waste also deals with site clearance and the excavation phase. An Outline Construction and Demolition Waste Management Plan (updated) was included in Appendix 14.1 and a Basement Impact Assessment Report, and a Dublin Central Ground Investigation Report were added (with RFI) at Appendix 7.2.

### *Receiving Environment*

- 9.8.2. The baseline conditions for the Dublin Central Masterplan area are considered to be the same for the individual sites including Site 2 and No. 61 O'Connell Street Upper. The site is a brownfield city centre site which is completely covered by buildings, hard standing areas and artificial surfaces and is primarily used for commercial purposes. The site is located within a locally important moderately productive aquifer. Intrusive ground investigations were carried out in November 2022 and January 2023 on behalf of the applicant and the IGSL carried out investigations in 2008. The ground conditions encountered included made ground with gravel below the fill material which had a high degree of variability in thickness. The gravel is underlain by boulder clay at a depth of 13m to 16m below ground level. Bedrock was encountered at depths that varied between 17m and 27m below ground level and comprised interbedded limestone and shale, with strengths in the range of moderately weak to strong.
- 9.8.3. There was no evidence of significant contamination in any of the samples and where detected, were at levels generally below the inert Waste Acceptance Criteria. The groundwater table was found to be between plus 0.1 and plus 0.5m OD Malin. No contamination was found in the groundwater wells apart from elevated PAH levels which were detected in the wells immediately to the South, but not within the portion of the site where deep excavation will occur.

9.8.4. The proposed development of Site 2 and No. 61 O'Connell Street, including the Metro Enabling Works and public realm works, with respect to soils and geology includes the following characteristics:

- Excavation of basements and foundations, including MEW excavations
- Excavation of drainage sewers and utilities
- Minor regrading and landscaping
- Disposal of any surplus excavated soils including any contaminated material.

*Predicted Effects*

9.8.5. In a Do-Nothing scenario there will be no change to the land and soil within the site.

9.8.6. The proposed works in terms of No. 61 O'Connell Street primarily involve demolition of the rear extension, the partial excavation of the basement to provide for a lift hoist and the removal of the shopfront and creation of a passageway through the site.

9.8.7. The proposed works in respect of Site 2 are far more extensive. They primarily involve the demolition of a number of existing buildings present across the site, the excavation of basements and the excavation of an approximately 35m deep box stretching for a distance of 120 metres underneath Nos. 43-59 O'Connell Street, as part of the Metro Enabling Works to facilitate a future O'Connell Street metro station. The potential impact on primary facade/wall elements of the buildings surrounding the proposed scheme have been evaluated on the basis of the calculated ground movement fields. The results of the assessment found that the demolition stage will result in negligible impacts with very slight impacts during excavation. Full modelling and results are set out in the Basement Impact Assessment (Appendix 7.2).

9.8.8. The removal of structures and ground bearing concrete slabs/paving and other earthworks as part of the Dublin Central Masterplan together with the construction of roads/paving, services and buildings, in particular basements and foundations, 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 silt discharges to the drainage network, or over land, and ultimately to the River Liffey.

- 9.8.9. Dewatering in order to construct the metro box could reduce the surrounding water table, resulting in shrinkage of the soil and induce settlement in the neighbouring buildings. Excavations for foundations, remaining road works and services will result in a surplus of subsoil, which will be used in fill areas where applicable. Significant excavation is required to facilitate the Metro Enabling Works which involves excavation of an approximately 35m deep box. Dust from the site and from soil's villages on the existing road network around the site may be problematic, especially during dry conditions.
- 9.8.10. Accidental oil or diesel spillages from construction plant and equipment in particular at refueling areas may result in oil contamination of the soils and underlying geological structures. There is also a potential impact on buried services during excavation works and damage to such services could result in a loss of supply to surrounding properties.
- 9.8.11. During the operation phase, no ongoing impacts are predicted. However, the metro box could impact on groundwater movement which could result in a rise of the water table.

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

- 9.8.12. The excavation works at No. 61 O'Connell Street are very limited and relate to the installation of a lift hoist. However, the construction of the MEW will require significant volumes of soil to be removed from the site (108,323m<sup>2</sup>), with a further 25,242m<sup>2</sup> required to be excavated for the basement, foundations and utilities for Site 2. The cumulative volume of soil over the Dublin Central lands is given as 163,490m<sup>2</sup>. All excavated material will be disposed of in an approved licensed landfill. A preliminary Construction Traffic Management Plan has been prepared and once a contractor has been appointed, a detailed Construction Traffic Management Plan will be prepared, in consultation with the City Council.
- 9.8.13. Compliance with best practice measures are detailed in the Outline Construction and Demolition Management Plan which seek to prevent contamination of the soil and adjacent watercourses. A Construction Management Plan, Traffic Management Plan and Waste Management Plan will be implemented by the contractor during the construction stage to control the above remedial measures.

9.8.14. No mitigation measures are required during the operational phase.

9.8.15. Monitoring during construction stage is required to ensure that protection measures are adequate.

*Residual effects*

9.8.16. None anticipated.

*Cumulative impacts*

9.8.17. The cumulative impacts of the proposed works at No. 61 O'Connell Street Upper and Site 2 and the Dublin Central Masterplan have been considered. No cumulative impacts are anticipated for land and soil.

*Land and Soil – Conclusions*

9.8.18. 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.

**9.9. Water**

9.9.1. Chapter 8 (updated) addresses Water with a Flood Risk Assessment accompanying the application. As noted above, there is an interrelationship between water, biodiversity, land and soil and the relevant sections should be read in conjunction with each other.

*Receiving environment*

9.9.2. The existing water supply network includes several mains in the vicinity. Existing buildings at the site are fed by various connections to this network. The site is served by a combined foul and surface water sewer network. At present, foul and surface water run unattenuated from the masterplan area, discharging to the combined sewer. In addition, there are also some separate surface water sewers in the vicinity. The site is located in the Lucan formation which is productive only in local zones.

Thus, the water movement through the bedrock is very slow and the groundwater vulnerability is therefore low.

- 9.9.3. It is proposed to supply water to each site within the Dublin Central Masterplan via new metered connections to the existing water main network. Irish Water has issued a Confirmation of Feasibility letter (Appendix 8.1) for the proposal which states that the existing water supply network is feasible, without the need for any infrastructure upgrade works by Irish Water. Wastewater will be drained from each site via new connections to the combined sewer and a Confirmation of Feasibility was also issued by Irish Water. Surface water will drain to the Parnell Street surface water sewer where feasible and otherwise to the combined sewer.
- 9.9.4. In respect of No. 61 O'Connell Street Upper, the proposed refurbishment works include revisions to the internal water supply network and the internal foul water drainage within the building. However, no changes are proposed to the existing connection to the public water supply network and water will continue to be supplied via the same connection to the 225mm ductile iron main in O'Connell Street Upper. No changes are proposed to the foul water connection either which is connected to the public network. Foul water will continue to discharge from the site to the existing 2,200mm x 760mm foul sewer in O'Connell Street Upper.
- 9.9.5. The proposed refurbishment of No. 61 includes upgrading to the existing rainwater goods throughout the property to modern standards. However, no changes are proposed to the existing surface water connection to the public network. Surface water will continue to discharge from the site to the same connection to the existing 2,200mm x 760mm foul sewer in O'Connell Street Upper.
- 9.9.6. In a Do-Nothing Scenario, there would be no change to the current discharges from the site. Surface water will continue to flow uncontrolled from the site to the public combined network.

#### *Predicted Effects*

- 9.9.7. During the construction of the new foul sewers, there is the potential for surface water to be discharged to the existing public foul sewer system due to pipes and manholes being incomplete during construction. There is also the potential for pollution of groundwater and water courses by accidental spillages during the construction.

- 9.9.8. There will be an increase in demand for water during the operational phase of Dublin Central Masterplan and increase flow to the wastewater system.
- 9.9.9. The surface water run off volume will be reduced by means of the introduction of SUDs devices and attenuation storage measures within Site 2 and in the Masterplan area. This will result in a net reduction in flows to the combined sewer.
- 9.9.10. Construction of the Metro box underneath Site 2 will necessitate groundwater dewatering and pumping during construction and the box structure will form a cut-off for the superficial groundwater flow, with a risk of groundwater head variations in the zone surrounding it. As assessment of the effects on groundwater was carried out using a Plaxis 2D model, which is set out in a Barrier Effect Study which incorporates groundwater modelling and a groundwater seepage assessment. The study is contained in the Basement Impact Assessment in Appendix 7.2 of the EIAR. The results are summarised in 8.5.1.4.2 of the EIAR. The results indicated that there would be a negligible impact on groundwater conditions in the area.

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

- 9.9.11. The contractor will prepare and implement a Construction and Demolition Management Plan which will outline compliance with best practice measures for management of water supply, foul water drainage and surface water drainage.
- 9.9.12. Surface water within Dublin Central area will be attenuated during the operational phase and the discharge rate will be slowed down. This will minimise peak flows in the downstream system during major storm events. The SUDS measures will also treat the surface water discharging to the public network, removing pollutants from the runoff.
- 9.9.13. The MEW construction, by using a bottom-up approach and installing wells to maintain the groundwater levels below the box formation level, will require short-term dewatering and recharging which will mitigate the risk of groundwater flooding during excavations and will limit the impact on the water table.
- 9.9.14. The design of the Dublin Central buildings will incorporate suitable damp-proof membranes to protect against damp and water ingress from below ground level. To mitigate the risks of groundwater entering the basements, they must be adequately

waterproofed. Any penetration through the basement wall or slab must also be appropriately sealed to prevent ingress of groundwater. It is proposed to install a granular blanket surrounding the basement structures which will allow groundwater to seep around the basement, maintaining any long-term subsurface perched water movement. This will minimise the effect that the proposed basement will have on the local water table, mitigating the risk to surrounding areas including other basements in the vicinity of the site.

#### *Residual Effects*

9.9.15. No residual impacts are anticipated.

#### *Cumulative Impacts*

9.9.16. No cumulative impacts are anticipated.

#### *Water - Conclusion*

9.9.17. 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.

### **9.10. Air and climate**

9.10.1. Chapter 9 of the EIAR addresses air quality and climate. Air and dust are assessed in respect of compliance with national air quality standards/limit values and dust deposition guidelines and the assessment addresses the risk to human health and the impact on ecology.

9.10.2. The potential impacts on climate are assessed in the context of national commitments under EU and UN climate change agreements and the Government's commitments to reductions in levels of certain atmospheric pollutants - greenhouse gas emissions. These commitments are noted in the EIAR to be further supported through Climate Action legislation and the Climate Action Plan (2021). Reference is also made to the Dublin City Council Climate Change Action Plan (2019). The Board should note however that since the appeal was lodged the Government's Climate Action Plan has been updated (most recent CAP 2024), and a new Dublin City



Council Climate change Action Plan (2024), has also been published. Furthermore, a new Dublin City Development Plan (2022-2028) has been adopted, which incorporates climate action policies Climate Action chapter.

- 9.10.3. The Climate Action and Low Carbon Development (Amendment) Act 2021 and the Climate Action Plan 2024 require Ireland to achieve a 51% reduction in emissions by 2030 (relative to 2018 levels) and net-zero emissions no later than 2050. The Dublin CCAP 2024 has updated its targets to align with these national targets, and to increase energy efficiency by 50%. This compares to the previous DCCCAP (2019-2024), where the target for GHG emissions reduction was 40% and an improvement in energy efficiency by 2020 of 33%.

#### *Receiving environment*

- 9.10.4. In accordance with the UK Institute of Air Quality Management (IAQM) *“Guidance on the Assessment of Dust from Demolition and Construction” (2014)* both the receptor sensitivity and proximity to the proposed works are considered in determining the sensitivity of the area in terms of dust soiling. The annual mean PM<sub>10</sub> concentration, receptor sensitivity and the number of receptors affected within various distances from the construction works are used in determining sensitivity in terms of human health impacts.
- 9.10.5. The surrounding land use is predominantly commercial in nature which would be considered of medium sensitivity in terms of dust emissions. However, due to the location of the site at O'Connell Street, the presence of residential units on Moore Street and the high level of tourism in the area, as well as the Rotunda Hospital, users would typically expect a high level of amenity. Therefore, the surrounding area was considered 'high sensitivity' in terms of dust soiling, with approx. 100 receptors within 50m of the site (Tables 9.5 and 9.17).
- 9.10.6. There are high (e.g. residential, hospital), medium (office/shop workers) and low (shopping streets) sensitivity receptors in respect of human health impacts. The worst-case sensitivity has been used for the assessment, meaning that there are 10-100 high sensitivity receptors within 50m of the site. The current annual mean PM<sub>10</sub> is estimated at 15µg/m<sup>3</sup> and the worst-case sensitivity of the area to human health is assessed as low (Table 9.6).

9.10.7. Air quality monitoring programs have been undertaken by the EPA. Dublin City is within Zone A where air quality is good with pollutant concentrations falling below EU limit values.

9.10.8. In a 'Do Nothing Scenario' there would be no change to the prevailing conditions in terms of air and climate.

#### *Predicted Effects*

9.10.9. The greatest potential impact on air quality during the demolition and construction phases is from construction dust emissions and nuisance dust. Construction dust tends to be deposited 350m from a construction site, but the majority of dust occurs within the first 50m. Dust emissions from the demolition and construction phase have the potential to impact human health through the release of PM<sub>10</sub> and PM<sub>2.5</sub> emissions.

9.10.10. The dust emission magnitude for each dust generating activity, demolition, earthworks, construction and trackout, was assessed for Dublin Central, for Site 2 and for No. 61 O'Connell Street Upper, combined with the sensitivity of the area in terms of dust soiling and health impacts, respectively. The results for Dublin Central are set out in Tables 9.7-9.11 of the EIAR, for Site 2 in Tables 9.13-9.17 and for No. 61 O'Connell Street in Tables 9.18-9.22.

9.10.11. **Demolition** constitutes a large proportion of the works for the implementation of the Dublin Central Masterplan and Site 2 with more than 50,000m<sup>3</sup> of buildings to be demolished. It is classified therefore as 'large' with a high risk of dust soiling and a medium risk to human health. However, the level of demolition proposed for the subject site at No. 61 O'Connell Street is quite small (approx. 430m<sup>2</sup>) and as such, the risk of dust soiling would be Medium and a negligible risk to human health.

9.10.12. In terms of **excavation**, this relates to the volume of material involved in infill and excavation works and is based on a site area of more than 10,000m<sup>2</sup>. The dust magnitude for this activity for Dublin Central is classified as 'large' with a high risk of dust soiling but low impacts on human health. Site 2 would also be classified as 'large' as there would be over 100,000 tonnes of material involved in infill and excavation works and the site area is greater than 10,000m<sup>2</sup>. However, the proposed earthworks at No. 61 O'Connell Street would be very small with an associated low risk of dust soiling and negligible risk of health impacts.

- 9.10.13. In respect of **construction activities**, the dust emission magnitude associated with the Dublin Central Development (including Site 2) was assessed as 'large' due to the total building volume exceeding 100,000m<sup>3</sup>. However, the proposed development at No. 61 O'Connell Street would not involve any significant levels of construction with an overall low risk of dust soiling impacts and a negligible risk of human health impacts due to construction activities. The dust emission magnitude from **trackout activities**, however, were classified as 'large' as there are likely to be over 50 outward HGV movements per day during worst-case stages of the development and it is assumed that the construction stages for the individual sites within the Masterplan area would overlap. Thus, HGVs associated with the various sites would access the site simultaneously. This would result in a high risk of dust soiling and a low risk of human health impacts.
- 9.10.14. Table 9.22 summarises the potential dust impacts for each activity as part of the project at No. 61 O'Connell Street. In the absence of mitigation, there is potential for **short-term, localised, significant dust** related impacts to air quality. As the proposed development is part of a wider Dublin Central Masterplan, the level of mitigation required for the Masterplan will be applied to each individual site to ensure the highest level of dust mitigation is employed. Therefore, a high level of dust control will be required across the site.
- 9.10.15. As shown in Table 9.6 of the EIAR, the surrounding area is considered of low sensitivity to significant **dust** related **human health impacts**. There is an overall **negligible** risk of significant human health impacts as a result of the demolition works and a low risk of human health impacts as a result of the other construction activities (Table 9.22). Thus, in the absence of mitigation there is the potential for **imperceptible, negative, short-term** impacts to **human health** as the result of the proposed development of No. 61 O'Connell Street Upper.
- 9.10.16. There is also the potential for **traffic emissions** to impact air quality in the short-term during construction due to the increase in HGVs. A detailed air dispersion model of worst-case construction stage traffic emissions was conducted. Modelling was undertaken at the Rotunda Hospital and at the apartments on Moore Street, representing worst-case sensitive receptors. Construction vehicles will give rise to CO<sub>2</sub> and NO<sub>2</sub> emissions due to the increase in HGVs. However, the emissions for construction vehicles and machinery were assessed using the UK Design Manual for

Roads and Bridges and regard was had to the TII guidelines for the construction of national road schemes.

- 9.10.17. NO<sub>2</sub> emissions as a result of the worst-case construction phase of the Dublin Central Masterplan are in compliance with the ambient air quality standards. The increase in magnitude of NO<sub>2</sub> emissions compared with 'Do Nothing' was predicted to be **imperceptible** and well within the annual limits and were therefore considered compliant with the ambient air quality standards. Therefore, the impact of construction traffic emissions on air quality is predicted to be **short-term, localised, negative and imperceptible**.
- 9.10.18. The impact in terms of greenhouse gas emissions (including CO<sub>2</sub> and N<sub>2</sub>O) on climate was also predicted to be **imperceptible and short-term**.
- 9.10.19. Dust emissions from the construction and demolition phases have the potential to impact human health through the release of PM<sub>10</sub> and PM<sub>2.5</sub> emissions. As per Table 9.6, the surrounding area is considered of low sensitivity to significant dust related human health impacts. The impact on human health from **PM<sub>10</sub> and PM<sub>2.5</sub> emissions** was considered to be **imperceptible, short-term and negative**. The change in local air quality as a result of construction traffic is also considered **short-term, localised, negative and imperceptible**.
- 9.10.20. In terms of the **operational phase**, the need for a detailed air dispersion model of traffic emissions was scoped out as the change in AADT did not meet the assessment criteria for air quality or greenhouse gas emissions. The cumulative traffic data for the full Dublin Central Masterplan development was assessed as a worst-case scenario, which included traffic from existing and permitted developments in the area. Operational impacts in terms of air quality, climate and human health are predicted to be **long-term, localised, neutral and imperceptible**.

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

- 9.10.21. A Construction and Demolition Management Plan and Dust Minimisation Plan have been drawn up which provides for site management, management and movement of trucks, site clearance and dust control measures. A detailed dust minimisation plan associated with a high level of dust impacts is outlined in Appendix 9.2, which is based on best international practice mitigation measures. This plan will be

incorporated into the CDMP. A summary of the proposed measures for Dublin Central Masterplan is set out at 9.6.1.1 of the EIAR. It is stated that these mitigation measures will be applied across the site for each phase of the development, including No. 61 O'Connell Street Upper.

- 9.10.22. Dust monitoring will be undertaken along the site boundary during construction and demolition. In the event of dust nuisance occurring outside the boundaries, movements of materials likely to raise dust will be curtailed and satisfactory procedures implemented to rectify the problem before the resumption of construction operations. Best practice mitigation measures will focus on the proactive control of dust and other air pollutants to minimize generation of emissions at source these measures will ensure compliance with all EU ambient air quality legislative limit values which are based on the protection of human health.

#### *Residual Impacts*

- 9.10.23. It is predicted that there will be no significant air quality or climate impacts. It is noted that in the case of construction impacts, worst-case assumptions were used regarding volumes of excavation materials and number of vehicle movements in order to generate the highest levels for mitigation required. Furthermore, the predicted impacts for the Dublin Central Masterplan are the worst-case scenarios in terms of predicted emission levels, and the likely emissions from each of the individual sites is likely to be lower.

#### *Cumulative impacts*

- 9.10.24. *Construction stage* - The construction stage for the individual sites within the Dublin Central Masterplan will overlap each other, thus, leading to cumulative construction dust emissions. However, the EIAR (9.7.4.1) states that a high level of dust control will be implemented across the full masterplan site which will control dust emissions from each phase of the development. As such, the cumulative dust emissions associated with the Masterplan site have been predicted as short term, localised, negative and imperceptible. I would agree that provided the mitigation measures as set out in the EIAR are implemented and dust emission monitoring is strictly adhered to, there should be no significant cumulative impacts to air quality or climate.
- 9.10.25. *Operational phase* – the proposed development has limited car-parking and traffic generation is therefore likely to be very low. Servicing will be tightly controlled and

restricted to delivery hours, as discussed previously (8.11). In addition, the site is located proximate to a wide range of facilities, amenities and services and is well served by public transport, and in the future, will also be served by the Metrolink project, with a station on O'Connell Street. The proposed development will not, therefore, result in any significant cumulative impacts to air quality or climate.

#### *Air and Climate - Conclusion*

9.10.26. 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 and air quality.

#### **9.11. Air – Sunlight and Daylight**

9.11.1. Sunlight, daylight and overshadowing impacts are addressed in Chapter 10 of the EIAR. The assessment has been carried out having regard to BRE 209 “Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice” Third Edition (2022) and with the assistance of digital modelling. The Board should note that these issues have been addressed under the topic headings of Population and Human Health in the EIA section of this report above and also in the Planning Assessment section of this report (8.5).

#### *Receiving Environment*

9.11.2. The Dublin Central Masterplan site comprises a large brownfield site in the city centre which is currently underutilized and largely vacant. It is earmarked in policy terms for large scale regeneration. There are no existing residential properties impacted by overshadowing due to the site location and orientation to other existing buildings. Although there are apartments on the north of Moore Street that face the existing Jury's Inn, Parnell St., sunlight analysis completed shows that the rooftop amenity space is not affected by the proposed development. The apartment windows are facing northeast and are therefore overshadowed by the existing Jury's Inn hotel and as the elevation angle is more than 90° from due South the impact on sunlight is not significant or considered relevant under the BRE 209 guidance.

9.11.3. No. 61 O'Connell Street Upper is an existing mid-terraced building of 4-storeys over basement. The proposed refurbishment work comprises residential accommodation on the upper three floors, retail and restaurant use at ground floor and ancillary storage and amenities at basement level. A new pedestrian through-route is proposed at ground floor level, linking O'Connell Street with Henry Place. The rear single-storey extension will be demolished and replaced by a new single-storey extension. There are no changes proposed to the existing massing of the building apart from the removal and replacement of the rear extension.

*Predicted Effects*

9.11.4. The impact of the **Dublin Central** development on sunlight access to adjacent properties is defined as Not significant. This definition was chosen because the proposed development would have a minor impact on the existing shadow environment, but the consequences will not be noticeable due to the site orientation and existing building density of the area.

9.11.5. The impact of the proposed **Site 2** development, on **sunlight access** to adjacent properties is defined as **moderate effects**. This means an effect that alters the character of the environment in a manner that is consistent with existing and emerging baseline trends. This definition was chosen because the scale of the proposed development would have an impact on the shadow environment directly adjacent to the site, but this change is considered to be consistent with a pattern of change that would be reasonable in an urban city centre environment and as there would be no material impact in terms of daylight or sunlight on any neighbouring residential amenity or living spaces. The BRE 209 guide recommends that in all relevant amenity spaces, at least half of the space should receive at least two hours of sunlight on the 21<sup>st</sup> March. It is predicted that the proposed public spaces and the existing and proposed public realm will all comply with this requirement (Figs 10.5-10.7). It was concluded that the design of the masterplan maximises access to sunlight in amenity spaces.

9.11.6. In terms of **No. 61 O'Connell Street**, there would be no impact on neighbouring properties or public streetscape as the existing building form will not change. As such, it was concluded that the impact on the shadow environment would be 'Imperceptible'. In terms of overshadowing, at least half of the amenity spaces

should receive at least two hours of sunlight on the 21<sup>st</sup> March (BRE 209 guide). However, as the proposed development does not include any new private amenity spaces, this assessment is not applicable.

9.11.7. Table 10.1 summarises that data for Sunlight Analysis results for Existing Buildings of Historical Importance. It is noted that O'Connell Hall, No.42 O'Connell St. and Nos. to 8 Moore Lane have not passed Criterion 1, as the impact of the proposed development will create a noticeable loss of sunlight as defined by the BRE (defined as a loss of 20%). No. 61 O'Connell Street, however, passes both criteria, demonstrating that it will still receive access to daylight which would be accepted by the BRE.

9.11.8. As noted previously in the Planning Assessment above (8.5), regarding sunlight availability within the proposed development, all habitable rooms would meet the requirement of receiving 1.5 hours of sunlight on the 21<sup>st</sup> March (BS EN 17037), apart from the first-floor apartment kitchen/living area, which would achieve 66% of the requirement, once the Hotel on Site 3 is completed. However, all rooms would meet and exceed the daylighting requirement. As the proposal relates to a Protected Structure for which there is a requirement to retain historic building fabric, and forms part of a wider regeneration project in the city centre location, where the baseline environment would be low, it was considered that the minor shortfall was acceptable in these circumstances.

9.11.9. In a 'Do nothing scenario, the existing daylight and sunlight environment within the property and surrounding environment would remain unchanged.

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

9.11.10. No mitigation measures are proposed as the impact on sunlight and daylight is relatively insignificant and considered consistent with development within a city centre environment. Furthermore, the proposal relates to the development of a largely vacant and underutilized brownfield site which has been identified for major redevelopment under statutory planning policy.

*Residual Impacts*

9.11.11. No residual impacts anticipated.



### *Cumulative Impacts*

9.11.12. No cumulative impacts are anticipated.

### *Conclusion – Air Sunlight and Daylight*

9.11.13. I have considered all of the written submissions made in relation to sunlight and daylight. 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 sunlight and daylight access to properties in the vicinity.

## **9.12. Air – Noise and Vibration**

9.12.1. The noise assessment is addressed in Chapter 11 of the EIAR. It describes the receiving ambient noise climate and assesses the potential noise impact during both the construction and operational phases of the development. The methodology included the preparation of a noise model.

### *Receiving environment*

9.12.2. The site is located within Dublin City Centre. The nearest existing residential Noise Sensitive Locations (NSL's) to the proposed Masterplan development are those located at Greeg Court Apartments on Moore Street, to the Northwest of the site boundary. The Rotunda Hospital is located to the north of the site boundary. Commercial NSL's include Jury's Inn Hotel, Parnell St. and Lynams Hotel which are located beyond the northern and eastern boundaries, respectively. Other hotels in close proximity to the eastern site boundary are the Holiday Inn Express and the Gresham Hotel on O'Connell Street.

9.12.3. The existing noise and vibration environments across the Dublin Central Masterplan site and in the vicinity of the nearest existing NSL's are dictated by transportation sources in the study area, including the existing local road network and the Luas line to the north and east of the Masterplan site. The measured noise levels reflect the typical city centre location, with mainly traffic and pedestrian noise dominating the environment.

9.12.4. The baseline environment for Dublin Central Masterplan area is expected to be the same as that for Site 2 and for each individual site within the masterplan development. In terms of the No. 61 O'Connell Street, the main site activities are likely to be minor demolition and general construction. It is noted that during the construction works of No. 61 O'Connell Street, it is likely that the construction of other sites in the earlier stages of the development may have been completed and could be potentially occupied with residential units. Thus, the assessment will need to consider potential impacts on noise sensitive locations both internal and external to the Dublin Centre development site. The operational impacts are anticipated to be mechanical plant noise and entertainment noise.

#### *Predicted Effects*

- 9.12.5. **Construction stage** - construction works associated with the proposed development are anticipated to be of a lesser scale to other sites within the Masterplan. Review of the required works indicate that the majority of works will take place within the building structure and comprise refurbishment work. Therefore, it is expected that noise from construction will be limited and that noise break-out to the surroundings would be minimal. In the overall context of the Masterplan construction, the works at 61 O'Connell Street are deemed to have negligible impact.
- 9.12.6. Notwithstanding this, the noise and vibration criteria detailed in sections 11.5.1.1.1 and 11.5.1.1.3 of the EIAR also apply to the Proposed Development. As indicated for the Dublin Central Masterplan, the construction phase will be controlled through the use of construction noise and vibration threshold values which the contractor will be required to work within. In this regard the choice of plant, scheduling of works on site, provision of localized screening and other best practice control measures will be employed in order to ensure noise and vibration threshold values are not exceeded.
- 9.12.7. The potential construction activities detailed in Section 11.5.1.1.2 are also applicable to the proposed development. The indicative noise calculations presented in Table 11.22 of the EIAR are valid for works occurring on 61 O'Connell Street at the nearest sensitive locations external to the site. The only variable would be the distances to specific site boundaries. There are numerous residential, commercial and clinical receptors surrounding the proposed development as illustrated in Figure 11:11 of the EIAR.

9.12.8. **Operational Noise** - As is the case for Site 2, noise from plant items serving the proposed development would be designed to be within the noise criteria set out in section 11.5.2.5.2 (EIAR).

9.12.9. Inward noise was assessed in respect of the proximity of the site to the main roads and infrastructure nearby to the east. Appropriate internal noise criteria have been set for the commercial spaces within the proposed development (11.5.1.2.1). Table 11.41 of the EIAR summarises the predicted noise levels at the Eastern building façade of No. 61 O'Connell Street. The daytime levels are predicted at 66-72 dB  $L_{Aeq,T}$  and the nighttime levels are predicted at 62-65 dB,  $L_{Aeq,T}$ . It is predicted that the appropriate internal noise levels can be achieved once the appropriate glazing and ventilation systems are provided on the facades of the development buildings. Details of the required glazing acoustic specifications are set out in section 11.6.2.2 of the EIAR.

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

9.12.10. Best practice noise and vibration control measures, as set out in BS 5228 (2009) will be employed during construction/demolition in order to avoid significant impacts on the nearest sensitive buildings. Details are set out in 11.6.1.1 of the EIAR. These measures include selection of quiet plant, enclosures and screens around noise sources, limiting the hours of work and noise and vibration monitoring. It is also proposed to establish clear lines of communication with noise sensitive receptors regarding timelines and potential impacts in advance. Noise control audits are also proposed to take place at regular intervals on issues such as hours of operation, optimum siting of plant and use of correct screening.

9.12.11. Mitigation measures for the operational phase are set out in 11.6.1.2 of the EIAR. These include the detailed design, selection and location of mechanical and electrical plant. Other measures include noise control techniques such as the use of perimeter screening, silencers, acoustic attenuators and acoustic louvers. In terms of practices to be adopted the plant will be maintained regularly and will not be permitted to exceed the stated noise limits. Inward noise mitigation will be provided in the form of glazing that achieves the minimum sound insulation performance as set out in Table 11.43 and shown in Fig. 11.17 of the EIAR.

### *Residual impacts*

- 9.12.12. Dublin Central Masterplan construction activities are predicted to exceed the noise threshold value when they occur at the closest proximity to the residential, commercial and clinical receptors closest to the proposed site boundary. However, it should be noted that this assessment is based on a highly worst-case scenario, and it is unlikely that items of plant assessed will be operational simultaneously or that two adjoining sites of the development would be under construction at the same time.
- 9.12.13. In respect of No. 61 O'Connell Street, construction works associated with the proposed development are anticipated to be of a lesser scale to other sites within the Masterplan area with construction noise being minimal. The construction noise impacts are likely to be negative, not significant and short-term. No predicted significant adverse vibration impacts are anticipated during construction, provided that the works are carried out in accordance with the relevant vibration criteria.
- 9.12.14. Noise from plant during the operational phase will be designed to be within the criteria set out in 11.5.2.5.2. The residual impact is therefore predicted to be negative, imperceptible and long-term.

### *Cumulative impacts*

- 9.12.15. It is anticipated that the same construction noise and vibration criteria would apply to the other sites within the Dublin Central Masterplan area which have been considered in the EIAR.
- 9.12.16. Different sites within the proposed development would be designed so that the cumulative noise emissions from processes and activities are within the relevant noise criteria set out. In the same way proposed developments external to the site will in turn be designed in order to comply with appropriate noise criteria. Any major proposed development in close proximity to the proposed development will be required to prepare an EIAR wherein cumulative impacts will also be considered.

### *Air Noise and Vibration – Conclusions*

- 9.12.17. I have considered all of the written submissions made in relation to noise and vibration. 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 noise and vibration on sensitive receptors in the vicinity.

### 9.13. Material Assets

- 9.13.1. Material assets are addressed in the EIAR under the headings of Transportation and Waste in Chapters 13 and 14, respectively.

#### **Transportation**

- 9.13.2. Supporting information has been provided in respect of transport in the Traffic and Transport Assessment and in the Preliminary Construction Traffic Management Plan for the overall development, which were submitted with the application (as revised).

- 9.13.3. In a 'Do Nothing' scenario there would be no change to material assets.

#### *Receiving environment*

- 9.13.4. The site is located in the city centre, within a large urban block, known as Dublin Central, bounded by O'Connell Street to the East, Parnell Street to the north, Moore Street to the West and Henry Street to the South. No. 61 O'Connell Street is located at the south-eastern end of the block with frontage to both O'Connell Street and Henry Place.

- 9.13.5. The Dublin Central urban block is traversed by a number of lanes including Moore Lane, which bounds the site to the West, and Henry Place which bounds the site to the South. Moore Lane is one-way southbound between Parnell St. and O'Rahilly Parade and two-way between O'Rahilly Parade and Henry Place. Both 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 on the site of No. 51 O'Connell Street. Henry Street and the southern end of Moore Street are pedestrianised, and 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.

- 9.13.6. There are significant improvements planned for public transport and cycle facilities in the vicinity of the site. These include Bus Connects (incorporating primary links of

O'Connell Street Upper, Parnell Street, and Parnell Square East and West), Metrolink (high capacity, high frequency service between Swords and the Luas Green line at Charlemont). DCC in conjunction with the NTA also propose to introduce a new cycling link that will provide a direct route for cyclists on O'Connell Street Upper wishing to access Dorset Street. The works will involve introducing a contraflow on Cavendish Row/Parnell Square East and improving the cycling facilities on North Frederick Street for both northbound and southbound cyclists. Part of this proposal has been implemented.

- 9.13.7. The proposal for Site 2 will include resurfacing works to O'Rahilly Parade, Moore Lane and Henry Place, reversal of traffic flow on Moore Lane from southbound to northbound and pedestrianisation on Moore Lane and Henry Place after 1100 hours. Vehicular access to the proposed basement car park underneath Site 2 would be by ramp from Moore Lane. Access to the cycle parking spaces for Site 2AB will be from Moore Lane and for Site 2C will be from a new lane off Moore Lane. It is proposed to introduce a pedestrian link through No. 61 O'Connell Street which would link O'Connell Street and Henry Place. No parking spaces are proposed for No. 61, but secure cycle spaces (8 no.) are provided within the building, which would be accessed from the arched passageway.

#### *Predicted Effects*

- 9.13.8. During the construction phase the worst-case scenario is between 5 to 95 HGV arrivals and 65 to 95 HGV 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. However, the expected traffic movements will vary from month to month with the single largest activity relating to the excavation of the MEW over a 12-month period.
- 9.13.9. Two haul routes have been identified, both of which are via Parnell Street, one via Summerhill and the other via Dorset Street, as illustrated in Fig. 13.22 and 13.23. Inbound access for construction vehicles for the Dublin Central development is proposed from Parnell Street to Moore Street/ O'Rahilly Parade and outbound

departures from Moore Lane to Parnell Street. However, this relates to the majority of construction vehicles and access will be made available to Moore Lane and Henry Place as required by means of temporary traffic signals and flagmen. The appointed contractor will be required to maintain access along Moore Lane and Henry Place for existing properties at the times currently permitted by DCC or as may otherwise be agreed with property owners and DCC.

- 9.13.10. Traffic modelling was carried out with four junctions assessed. The highest changes in performance related to the Parnell Street (E) - Junction 1 and Dominick Street (N) - Junction 4. The traffic modelling concluded, however, that the construction traffic generated at Dublin Central would not significantly affect the operation of the surrounding road network.
- 9.13.11. Notwithstanding this, potential impacts include that the volume of construction traffic and HGVs on public roads could lead to vehicular delays. The placement of hoardings and reduction in carriageway width on Parnell Street, Moore Street, O'Rahilly Parade, Moore Lane and Henry Place could also lead to vehicular delays and could restrict street trading and cause pedestrian delays. The temporary closure of O'Rahilly Parade, Moore Lane and Henry Place to pedestrians could lead to additional walking times for pedestrians.
- 9.13.12. In addition, the absence of checks on departing vehicles onto the public road could lead to the deposition of demolition material, mud and/or debris onto the public roads. The installation of underground services including drainage and water mains particularly on O'Rahilly Parade, Moore Lane and Henry Place could lead to vehicular delays congestion or diversion.
- 9.13.13. The layout and width of existing streets and lanes in the area would necessitate the implementation of temporary local upgrades to the network. Should the development of Site 2 and No. 61 O'Connell Street proceed in advance of the construction of the other sites within Dublin Central, alternative temporary traffic management measures are set out in Fig. 13.29. which would include temporary traffic signals and flagmen on Moore Lane. Overall, however, the construction phase impacts are likely to be **slight, negative, and short-term**.
- 9.13.14. During the **operational phase**, additional vehicular movement associated with the Dublin Central development would be very low based on the reduced car parking

provision and the availability of high-quality public transport in the vicinity. Traffic generated during the operational phase comprise 72 movements during the AM Peak hour and 38 movements during the PM peak hour. The greatest percentage of operational traffic would constitute delivery vehicles. For the overall Masterplan site, 17 delivery movements in the AM peak hour (each way) and 2 delivery movements in the PM peak hour (each way) are predicted. Traffic generation will not exceed 5% of the traffic on adjoining roads during either the construction or operation phase, and as such the impact on the surrounding road network is predicted to be minimal.

- 9.13.15. The proposed development would result in a permanent loss of car parking within the Masterplan area. The removal of car parking on Moore Lane could lead to an increased demand for car parking in the surrounding area. However, the facilitation of the proposed Metrolink station within Site 2 will lead to a significant increase in public transport capacity for the surrounding area. Furthermore, the future combined provision of Bus Connects, Metrolink, Strategic Green Route, GDA Cycle Network, Strategic Pedestrian Routes etc. in the surrounding area, will mitigate the loss of parking and will facilitate modal shift to more sustainable forms of travel. The operational impacts on transportation are therefore considered to be **permanent, long term and positive**.

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

- 9.13.16. A Construction Traffic Management Plan (CTMP) is to be implemented. This will require all deliveries to and collection from the site to comply with the DCC requirements for HGV traffic movements, including the use of the designated haul routes along Parnell Street. Local traffic management will be incorporated into the detailed CTMP, which will be drawn up and agreed by the appointed contractor in consultation with the City Council.
- 9.13.17. Traffic and other movements on the road network during the construction stage 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. During the construction stage the appointed contractor will be required to maintain access along Moore Lane and Henry Place to existing properties at the times currently permitted by Dublin City Council or as may otherwise be agreed with the property owners.



- 9.13.18. The primary mitigation measure during the operational stage will be the implementation of the Travel Plan for Dublin Central and in particular the Action Plan section of the Travel Plan which will implement the management of travel demand.

*Residual impacts*

- 9.13.19. There will be a permanent loss of carparking across the Dublin Central site of 160 spaces. However, this will be mitigated by the considerably enhanced public transport and active travel facilities that are planned for the area.
- 9.13.20. Permanent reversal of traffic flow from one way southbound to one way northbound is proposed on the northern section of Moore Lane. Pedestrianisation is proposed on Henry Place and on the southern section of Moore Lane. Local traffic diversions may occur on O'Rahilly Parade, Moore Lane and Henry Place, but these impacts are likely to be slight, negative and short-term. Some delays may occur to bus or Luas services during the construction phase due to construction traffic entering the site from Parnell Street. However, such impacts would be temporary, slight, negative and short-term.
- 9.13.21. During construction works for the installation of underground services on the public streets, temporary facilities will be required to maintain cycle connectivity and pedestrian access. These facilities will be provided in accordance with the Construction Management and Waste Management Plan and the Construction Traffic Management Plan. This impact would be short-term, slight and negative.

*Cumulative impacts*

- 9.13.22. No significant effects are predicted during the construction or operational phases and as such there would be no significant cumulative effects. However, the proposed Dublin Central development will facilitate the development of the Metrolink with a station within the development site. This will provide for an alternative, more sustainable method of transport to the private car and will also have positive impacts on air and climate due to reduced emissions.
- 9.13.23. Potential cumulative impacts may arise as a consequence of the development in combination with the Metrolink project. Although this project has not yet been permitted, the EIAR considers that on the basis of the available information including the standards proposed to be complied with by TII for the Metrolink project and to the

likely effects on the environment arising from the proposed development, the Metrolink project is not likely to have any significant effect on the proposed development and the Dublin Central development is not likely to have any significant effect on the Metrolink project.

#### *Material Assets Transportation – Conclusions*

- 9.13.24. 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.

#### **9.14. Waste Management**

- 9.14.1. Waste Management is addressed in Chapter 14 (updated, July 2023) in the EIAR. It is supported by the Construction and Demolition Waste Management Plan (CDWMP) and by a separate site-specific Resource Waste Management Plan (RWMP), included in Appendix 14.1. A separate Operational Waste Management Plan (OWMP) has also been prepared (Appendix 14.2). These documents are intended to ensure the sustainable management of wastes arising from the development in accordance with the legislative requirements and best practice standards.
- 9.14.2. The EIAR was produced when waste management was governed by the requirements of the Eastern Midlands Regional Waste Management Plan (2015-2021). A new National Waste Management Plan for a Circular Economy (2024-2030) has recently been published, however, which replaces the Regional Waste Management Plans. The plan sets out a framework for the prevention and management of waste in Ireland for the period 2024 to 2030. It recognises climate change as a key driver for both behavioural change and improved waste management practices. The ambition of the plan is for 0% total waste growth per person over the life of the plan with an emphasis on non-household waste including waste from commercial activities and the construction and demolition sector.

9.14.3. The target policies and priority actions are contained in Volume II. National Target 1: Resource consumption is for a 6% reduction in municipal waste per person by 2030. The focus has shifted from targeting the totality of household waste in the 2015 Plan to residual waste production, which is an aggregate of commercial and household waste. National Target 1B – Construction materials seek a reduction in the consumption of raw materials by the construction sector by the use of secondary materials. The target is for a 12% reduction in C and D waste by 2030. In addition to the waste and circular commitments, the following targets are included:

- Recycle 70% of packaging waste by 2030
- Recycle 55% of plastic packaging waste by 2030
- Reduce food waste by 50% by 2030
- Provide for 90% collection of single use plastic drinks containers by 2029

9.14.4. Targeted Policy 8.5 seeks to identify and promote materials with a lower embodied carbon and high circular potential to maximise use in the construction section

*Receiving environment*

9.14.5. The site is located within Dublin City Centre and is fully serviced. The majority of utilities are beneath public roads and footpaths. No municipal landfills are operated in the DCC area. There are a number of wastes permitted and licensed facilities located in the Eastern Midlands Waste Region for management of waste from the construction industry as well as municipal sources. These include soil recovery facilities, inert C&D waste facilities, hazardous waste treatment facilities, municipal waste landfills, material recovery facilities, waste transfer stations and two waste to energy facilities.

9.14.6. In a 'Do Nothing' scenario, there will be no change to waste – material assets.

*Predicted effects*

9.14.7. During the demolition phase, the Dublin Central Masterplan project would generate waste including glass, concrete, bricks, tiles, ceramics, plasterboard, asphalts, metals, slate, timber and asbestos, with an estimated total quantity of 22,539.2tonnes. It is estimated that 4,157.2tonnes (18%) would be reused, 15,648.6tonnes (70%) would be recycled and 2,731.4tonnes (12%) would be for

disposal, (Table 14.1). Site 2 would represent a significant portion of this demolition waste with a total of 13,514.7tonnes (c. 60%) predicted to be produced, with similar percentages of reuse, recycle and disposal (Table 14.4). However, No. 61 O'Connell Street would generate just c. 41.5tonnes which represents just 0.0.18% of demolition waste for the masterplan project, with similar percentages of reuse, recycle and disposal (Table 14.7).

- 9.14.8. The Masterplan project would also generate approximately 163,490m<sup>3</sup> of excavated material, of which Site 2 represents c.133,565m<sup>3</sup> (82%) which would have limited opportunities for reuse on site. It is envisaged, therefore, that all of this material would have to be moved off site for disposal. The development of No. 61 O'Connell Street will not generate any significant levels of excavated material.
- 9.14.9. During the construction stage, waste will be produced from surplus materials, packaging, as well as stone, soil, sand and clay which will be excavated. The materials will need to be classified as either waste for re-use, recycle or disposal or as a by-product. The total amount of waste from the construction phase is estimated at 5,126tonnes, of which 1,163t (23%) will be reused, 3,481t (68%) will be recycled and 482t (9%) will be for disposal (Table 14.2). The figures for No. 61 O'Connell Street are 8.2t (total), with 1.9t (23%) to be reused, 5.6t (68%) for recycling and 0.8t (9%) for disposal, representing similar percentage breakdowns.
- 9.14.10. For the operational phase, a strategy for segregation (at source), storage and collection of all wastes generated within the buildings is set out in the OWMP (App.14.2). Residents and tenants will be required to provide and maintain appropriate waste receptacles within their units to facilitate segregation at the source of these waste types. It is estimated that the residential units combined would produce 13.66m<sup>3</sup> per week and the retail units/restaurants/cafes would produce 93.57m<sup>3</sup> (Table 14.3).
- 9.14.11. A mixture of hazardous and non-hazardous waste would be produced during site demolition, excavation and construction, as well as packaging material. Waste materials will be required to be stored temporarily on site, pending collection by a waste contractor. If waste material is not managed and stored correctly, it is likely to lead to litter or pollution issues, the indirect effect of which could result in the presence of vermin within the development and surrounding areas. The use of non-

permitted waste contractors or unauthorized waste facilities could contribute to the inappropriate management of waste. This would result in a short-term, significant and negative impact in the absence of mitigation.

- 9.14.12. Correct classification and segregation of the excavated material will be required to ensure that any potentially contaminated materials are identified and handled in an appropriate manner so that there would be no negative impacts on workers or on water and soil environments. The likely impacts in the absence of mitigation would be short term significant and negative.
- 9.14.13. Potential impacts on the environment of improper, or lack of, waste management during the operational phase would result in a deviation from the National priorities of the waste hierarchy which would lead to small volumes of waste being sent unnecessarily to landfill. In the absence of mitigation, significant effects would not be likely.
- 9.14.14. If waste material is not managed and stored correctly, it is likely to lead to litter or pollution issues on the site or adjacent sites. This could lead to the presence of vermin. The use of non-permitted waste contractors or unauthorized waste facilities could contribute to the inappropriate management of waste. In the absence of mitigation, the effect on the environment would be short term, significant and negative.

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

- 9.14.15. The proposed mitigation measures for the construction and operational phases have been set out in section 14.6 of the EIAR. They are generally of a standard nature. It is stated that the proposed mitigation measures will ensure that any waste arising during construction or demolition will be dealt with in compliance with the provisions of the Waste Management Acts and Regulations.
- 9.14.16. A project specific CDWMP and RWMP have been prepared to ensure waste minimisation and management, reuse, recycling, recovery and disposal of waste material generated during the construction phase. Prior to commencement of development, the contractor will be required to refine/update these plans, in consultation with the P.A., detailing specific measures to minimise waste generation and resource consumption and to provide details of waste contractors.

9.14.17. Excavated materials will be classified and segregated. Nearby sites requiring clean fill material will be contacted to investigate reuse opportunities for clean and inert material. If any of the material is to be reused on another site as a by-product (and not as a waste), this will be done in accordance with Article 27 of the EC (Waste Directive) Regulations (2011). EPA approval will be obtained prior to moving material as a by-product.

9.14.18. An operational waste management plan has also been prepared. During the operational phase, all recyclable materials will be segregated at source, stored in color-coded bins and will be transported by suitable contractors to licensed facilities.

#### *Residual impacts*

9.14.19. No residual impacts are anticipated as the proposed mitigation measures outlined above will ensure that optimum levels of waste reduction, reuse, recycling and recovery are achieved. However, it is considered that a monitoring program should be put in place to ensure that the actual waste volumes are being generated as anticipated and that contractors and subcontractors are segregating waste as required.

#### *Cumulative impacts*

9.14.20. No significant cumulative impacts are anticipated.

#### *Material Assets – Conclusions*

9.14.21. 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.

### **9.15. Landscape**

9.15.1. Chapter 12 (updated) addresses the landscape and visual impacts of the proposed development and is accompanied by a set of 19 photomontages, some of which were amended and submitted as Further Information. In view of the site context within Dublin City Centre, it should be noted that 'Landscape' effectively refers to

‘Townscape’. This is defined by the Guidelines for Landscape and Visual Impact Assessment as –

“the landscape within the built-up area, including the buildings, the relationships between them, the different types of urban spaces, including green spaces and the relationship between buildings and open spaces.”

9.15.2. I would advise the Board that there is a significant overlap with sections 8.6, 8.7 and 8.8 above, and this section should therefore be read in conjunction with same.

*Receiving environment*

9.15.3. I refer to Board to Sections 2.0 and 8.6 above, in which a detailed description is given of the receiving environment. In addition, the receiving environment is described in some detail at Section 12.3 of the EIAR.

9.15.4. In summary, the project relates to a large, underutilised brownfield site in the heart of Dublin’s North Inner City, which has been in a neglected state for many years, and which is earmarked for regeneration. It forms part of a wider Masterplan area, Dublin Central Development. The urban block forming Dublin Central lands (2.2ha) is bounded by Parnell Street to the north, O’Connell Street to the east, Henry Street to the south and Moore Street to the west.

9.15.5. No. 61 O’Connell Street Upper is a four-storey over basement mid-terraced house dating from the 18<sup>th</sup> century. The front façade is protected and listed on the RPS, and the building is listed the NIAH register as of Regional Importance. The site lies to the southeast of Site 2 (1.39ha), which forms the eastern portion of the Dublin Central lands. The rear of the site fronts onto Henry Place.

9.15.6. Site 2 is bounded to the north by No. 42 O’Connell Street (PS) and O’Connell Hall (PS), to the south by No. 59 O’Connell Street (CIE 1960s building), No. 60 O’Connell Street (PS) and Henry Place, to the east by the O’Connell Street frontage and to the west by Moore Lane. The existing buildings at Nos. 59-60 O’Connell Street Upper are excluded from the Dublin Central site.

9.15.7. In addition to No. 61, the O’Connell Street frontage includes several Protected Structures, (Front facades of Nos. 43, 44, 52-54 (Carlton), 57 and 58 O’Connell Street) and other buildings which contribute to the architectural and historical character of the street and is designated an Architectural Conservation Area. The

street is composed of individual buildings which have largely been rebuilt after the 1916 Rising and the Civil War but were re-built in accordance with strict design criteria laid down by the city council and therefore present as a unified terrace with consistent parapet heights, materials and architectural features. No. 42 is described as the last surviving Georgian house of Sackville Street and O'Connell Hall lies behind, fronting onto Moore Lane.

9.15.8. Moore Lane and Henry Place represent the low-density service/mews lanes behind the principal buildings on O'Connell Street, and formerly had an industrial character. However, they are currently underused, neglected and contain no active uses of any significance. However, Moore Lane also forms the rear of properties fronting Moore Street, including Nos. 14-17, which is a National Monument associated with the 1916 Rising. Henry Place forms the rear of properties fronting O'Connell Street Upper and Henry Street. Both Moore Lane and Henry Place played significant historical and cultural roles in the 1916 urban battlefield, forming part of the evacuation route from the GPO during the 1916 Rising.

9.15.9. In a 'Do Nothing' Scenario, there would be no change in the townscape and views available, but the area would remain underutilised and in a state of neglect.

#### *Predicted effects*

9.15.10. The EIAR noted that the overall area is currently undergoing a high degree of townscape and visual change with a new cultural quarter planned for Parnell Square, several recent developments on Parnell Street including a 7-9 storey hotel on the corner with Moore Lane, and the masterplan proposals for the Dublin Central Lands, which include several taller buildings. The Masterplan envisages the upgrading of Moore Lane and Henry Place, the creation of new public streets and lanes and new public spaces in order to provide for increased permeability between O'Connell Street and Moore Street and to provide for a new and vibrant public realm. Mixed-use development is envisaged for all six sites with retail, cultural or café/restaurant uses at ground floor level and offices or residential above and a hotel on each of Sites 1 and 3. New pedestrian links are proposed to link O'Connell Street with Moore Street via Moore Lane and Henry Place, which involve the proposed East-West street and the proposed passageway through No. 61 O'Connell Street Upper.



- 9.15.11. Site 2 involves the demolition of all existing structures apart from the protected facades of Nos. 43, 44, 52 – 54, 57 and 58 O'Connell Street, the unprotected facade of 45 O'Connell Street, and the Reading Room to the rear of No. 59 O'Connell Street, which are to be repaired and refurbished. It is proposed to construct two separate buildings (2AB and 2C), behind the retained facades with heights of between 6 and 8 storeys, with recessed elements at the street frontages. The O'Connell Street elevation would comprise a mix of the retained facades and new infill elements.
- 9.15.12. The Dublin Central Masterplan development would alter the existing poor quality public realm on Moore Lane, O'Rahilly Parade and Henry Place, which is currently under-utilised and hostile to pedestrians and cyclists due to a lack of active street frontage and pedestrian facilities, to provide a new and vibrant public realm. This will create new safe public thoroughfares and public spaces which will be welcomed by the public and will also provide an improved setting for the many buildings of historic and heritage importance located on and near these lanes. This would give rise to much improved landscape and visual effects. The development of a new Metrolink station will also bring new life and intensity to the area. The landscape and visual effects associated with the Dublin Central project are likely to be seen as either significantly positive or significantly negative due to the strong character of what is proposed and the extent of the new public facilities and spaces. These effects will be permanent but the extent of the visual effects are likely to reduce over time.
- 9.15.13. In terms of potential **visibility**, **19 no. viewpoints** were considered with respect to the development of **Site 2** and **No. 61 Upper O'Connell Street**. These cover a range of locations, and I consider the selection to be robust and sufficient to enable a comprehensive assessment to be undertaken. The predicted landscape and visual effects are tabled in the EIAR at 12.5.2.6 (updated EIAR), and a view-by-view description is provided at 12.5.2.7.
- 9.15.14. No. 61 O'Connell Street is an existing building which is to be refurbished for reuse, together with the introduction of a new pedestrian passageway through the site and a new shopfront, one to the front and one to the rear. Its visibility is limited mainly to O'Connell Street, Henry Place and Moore Street. Most townscape effects will be experienced in the immediate vicinity. As with Site 2, No. 61 O'Connell Street Upper will be openly visible from O'Connell Street Upper as it faces directly onto it. It will

also be visible from Henry Place, as the rear elevation and passageway will face directly onto the lane. Due to the location of the site relative to the sharp corner on Henry Place, the rear of the property would be visible along Samson Lane/Henry Place from the junction with Moore Street and from the junction of Moore Lane and Henry Place, where the pocket park outside the refurbished Reading Room is proposed.

- 9.15.15. The only viewpoints from which the proposed development of No. 61 O'Connell Street would be potentially visible are VP4a, VP6a and VP12a. The main impacts arising may be summarised as follows:

**View 4a. O'Connell Street at the Carlton (40m distance) – EIAR assessed**

**Extent of effects as 'Moderate to Significant'** – This view is taken from across the road from the former Carlton cinema site, but in summer conditions, with the trees in leaf. I would accept that substantial parts of the proposed development up to the parapet level of O'Connell Street facades are concealed from view by street trees on the West side of O'Connell Street, but the upper recessed floors are visible above the trees. The facades would be more openly visible in winter. It should be noted that this view shows the upper part of 2AB and not 2C. It is also noted that the proposed changes to the street level including the Carlton, new shopfronts and the new archway at No. 61 O'Connell Street are also visible, although at an oblique angle.

The EIAR acknowledged that the proposed development would result in a significant change in the visual character of O'Connell Street. However, the retention of the facades, the introduction of new facades and the new pedestrian link through No. 61 O'Connell Street are seen as positive benefits to O'Connell Street. It is submitted that the changes would be viewed by some observers as part of the emerging trends of new development and therefore positive. The landscape and visual effects are therefore assessed as 'moderate to significant.'

I would agree with the assessment in terms of the overall development of Site 2, as the upper floors of 2C, which protrude in a prominent manner above and behind the parapets of the retained facades, are not visible in the VP4a and the upper floors of 2AB are considered to be more respectful of the historic streetscape and of the setting of the protected structures in the vicinity. The new infill buildings at either side of the former Carlton site and the new shopfronts at street level would add interest to

the streetscape and would be more traditional in appearance. As such, they would have positive visual and townscape impacts.

The changes to No. 61 O'Connell Street would not be readily visible from this vantage point as it is an oblique view, and as such the assessment of 'slight' impact is reasonable. However, the changes would be more openly visible as the site is approached. I consider that the proposed changes to the ground floor front elevation would be positive in terms of the removal of the existing shopfront which is of no heritage value. The existing glazed and timber shopfront, with its over-sized fascia together with its glazed outdoor dining area, which projects forward of the building line, currently detracts from the character and appearance of the PS and the streetscape. The new shopfront would be more traditional in appearance, and together with the repair, restoration and conservation of the protected front façade, would result in considerable improvements which would have positive visual and townscape impacts.

The changes to the front elevation of No. 61, however, also introduce the arched passageway, which would significantly alter the character and appearance of the building and result in potentially negative and permanent impacts. I would accept that the proposed archway is sensitively designed with a stone finish and would not be an entirely alien feature in Georgian terraces. I would further accept that the pedestrian link through to Henry Place would contribute to the delivery of wider public benefits to the area by reason of urban regeneration and increased permeability of the block, which would contribute to positive townscape and visual impacts for the area. The provision of a gate is deemed necessary for security reasons, but its detailed design should be agreed with the P.A. should the Board be minded to grant permission.

It is considered, therefore, that the pedestrian link, combined with the repair and refurbishment of the front façade and restoration of residential use to the upper floors, would have positive benefits which would ameliorate the impacts of the creation of the passageway on the street elevation. The visual and townscape impacts arising from the proposed development at No. 61 O'Connell Street would therefore be moderate as it would be consistent with emerging baseline trends.

**View 6a. O'Connell Street at the GPO (120m distance) – EIAR assessed Extent of Effects as 'Moderate'** – This view looks northwest along the eastern side of O'Connell Street from opposite the GPO (winter conditions). The upper parts of the Site 2AB development are in view, but the lower parts are concealed by winter trees. The EIAR considered that it represents a fairly minor, but clearly noticeable, element in the view and that it would result in a significant change in the visual character of O'Connell Street. The creation of the pedestrian link through No. 61 is described as imperceptible. The predicted landscape and visual effects are therefore assessed as 'moderate.' However, the introduction of the new pedestrian street and new pedestrian link through No. 61 are seen as positive benefits to O'Connell Street and the changes would be viewed by some observers as part of the emerging trends of new development and therefore positive.

It is considered that the view of the Site 2 development from this location is dominated by the GPO, the Spire and the expanse of O'Connell Street. The upper floor recessed elements of 2AB are noticeable, but not prominently so, and could be perceived as emerging new development, which might not necessarily be connected to the O'Connell Street facades. I would therefore agree with the predicted assessment of 'moderate' in terms of the overall Dublin Central development.

No. 61 O'Connell street is not readily visible from this vantage point and the proposed changes would be imperceptible. It is accepted that the proposed pedestrian link would contribute to positive visual and townscape impacts as discussed previously under View 4a above.

**View 12a. Moore Street looking into Henry Place (65m distance) EIAR assessed Extent of effects as 'Slight'** – This view looks east across Moore Street into Henry Place from the junction of Moore Street and Samson's Lane. Buildings 2AB and 2C are not visible from this location. However, the rear elevation of No. 61 O'Connell Street Upper is in the centre of the view, at the end of the lane. This building is proposed to be refurbished for new commercial and residential uses together with the introduction of a new passageway through the building from O'Connell Street to Henry Place. The passageway is just visible in the view and is considered to give rise to a 'slight' impact. However, the EIAR notes that the proposed development of Site 2 is not visible from this location, and as such, the landscape and visual impact was assessed as 'None'.

The rear elevation of No. 61 will also be repaired and re-rendered with a traditional lime render and the non-traditional windows will be replaced with traditional windows. In addition, the demolition and replacement of the single-storey rear extension, which is currently unsightly when viewed from Henry Place, together with the removal of the extract ducts and mechanical plant from the rear elevation, the removal of the fencing around the beer garden, would contribute to the enhancement of the appearance of the building from the rear. The rear extension will be replaced by a new extension with a small shopfront for the proposed kiosk unit facing Henry Place. I consider that the overall effect of these changes will be quite positive in visual terms. The proposed archway and new shopfront would provide interest and animation to the currently under-utilised laneway, which will have positive visual and townscape impacts. It is considered, therefore, that the landscape and visual impact in terms of No. 61 O'Connell Street should be assessed as positive.

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

- 9.15.16. The principal mitigation measures are inherent in the design of the scheme. The proposed development at No. 61 O'Connell Street has been altered as part of the further information submitted in July 2023, which has further improved the visual appearance of the proposed alterations to the front and rear of the building. The overall design of the Dublin Central masterplan has also evolved through an iterative process having regard to the site's location within the townscape. As such no specific mitigation measures are proposed.

*Residual impacts*

- 9.15.17. No residual impacts are anticipated as the proposal forms part of an integrated design for a new city quarter, which is still evolving.

*Cumulative impacts*

- 9.15.18. Potential cumulative landscape and visual impacts may arise from the development of other parts of the Dublin Central Masterplan, in combination with other projects. Such potential impacts have been considered as part of the LVIA in the EIAR and as discussed above. No unacceptable cumulative impacts are anticipated.

### *Landscape – Conclusion*

9.15.19. 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.

### **9.16. Cultural Heritage**

9.16.1. Chapters 15 and 16 of the EIAR (updated) address cultural heritage. The Board is advised that there is significant overlap with sections 8.6, 8.7 and 8.8 of the Planning Assessment above and with Section 9.15 (Landscape and Visual Impacts) of the Environmental Impact Assessment above. As such, they should be read in conjunction with each other.

### *Receiving environment*

9.16.2. The site is as previously described above. In brief, No. 61 O'Connell Street comprises a 2-bay, 4-storey over basement mid-terrace property fronting onto O'Connell Street Upper with rear frontage to Henry Place. It forms part of a larger regeneration project, the Dublin Central Masterplan, which is subdivided into several individual sites, numbered 1 to 6. The Masterplan proposes the redevelopment of a large urban block (2.2ha) as a mixed-use development combined with an enhanced public realm. The sites that are most closely associated with No. 61 are Site 2, (comprising 2AB and 2C as well as the Metro Enabling Works underneath site 2), and Site 3, which lies on the opposite side of Henry Place, to the rear.

9.16.3. The front façade of No. 61 O'Connell Street Upper is a Protected Structure, and the building is listed on the NIAH as being of Regional Importance. It forms part of a terraced streetscape which is an integral part of the O'Connell Street Architectural Conservation Area (ACA) and includes several other Protected Structures. These include 6 no. Protected Structures within Site 2, namely Nos. 43, 44, 52-54, 57 and 58 O'Connell Street Upper. Other Protected Structures within the terrace include No. 60 O'Connell Street Upper immediately to the north of the subject site, Nos. 62-68 O'Connell Street Upper to the south, and No. 42 O'Connell Street Upper to the north of Site 2. The ACA encompasses the entire eastern part of the Masterplan block (i.e.

between O'Connell Street and Moore Lane, from Parnell Street as far south as Henry Street and Henry Place, and the O'Connell Street facades are also included in a 'Red Hatched Conservation Area', (see Fig. 15.3.15 of EIAR).

- 9.16.4. To the rear, the National Monument (Nos. 14-17 Moore Street) backs onto Moore Lane, which lies to the northwest of the subject site, but lies opposite Site 2. The building immediately opposite the rear elevation of No. 61 was recently added to the RPS, namely Nos. 4-8 Henry Place (RPS8906). It was formerly the O'Brien's Mineral Water Factory and the ground floor facades facing Henry Place are protected. Nos. 17-18 Henry Place (commercial premises and bottling stores) was also recently added to the RPS (8907) and is located on the southwestern corner of Henry Place and Moore Lane, (former bottling stores) and the ground floor facades to Moore Lane and Henry Place are protected.
- 9.16.5. There are several other buildings/structures which are considered to be of cultural, architectural, social, historical or artistic significance within the urban block including No. 45 O'Connell Street, the Reading Room and some other buildings associated with No. 59 O'Connell Street. All of the Protected Structures and buildings on the NIAH Register are listed in Table 15.3.2 of the EIA. These protected structures are described in detail in Chapter 15 and in several documents submitted with the application and appeal.
- 9.16.6. A summary of the characteristics and significance of each of the buildings and structures is set out in Table 15.3.1 (and fig. 15.3.11) of the EIAR. I note that No. 61 O'Connell Street is listed as of 'high significance' and the significance rating extends through the site and into Henry Place and along Moore Lane and O'Rahilly Parade. The only other building within Site 2 with this rating is the Reading Room. The recently added protected structures of 17-18 Henry Place and No. 4-8 Henry Place are rated as of 'moderate significance', as are the other buildings on this junction of Moore Lane and Henry Place (Edwardian carport and No. 60A O'Connell Street).
- 9.16.7. A summary of the site's contribution to 1916 is provided at 15.3.2.5. Site 2 formed the eastern boundary of the 1916 Moore Lane battlefield. Building fabric surviving from that time is stated to be limited to the following:

55 O'Connell Street Upper	Stone/brick pier remnant demarking the boundary between 54 and 55.
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57 O'Connell Street Upper	Brick and calp limestone remnants, with a single brick in the southern remnant alleged to mark the impact of a bullet trace from the 1916 Rising.
58 O'Connell Street Upper	Calp limestone wall remnants at either boundary
60A O'Connell Street Upper	Calp limestone outer walls to a structure that formed the junction of Moore Lane and Henry Place.

Although most structures within the site were reconstructed following the 1916 and 1922 battles, the replacement buildings, both singularly and collectively, were found to possess architectural significance.

- 9.16.8. No. 61 O'Connell Street Upper is presently in use as a restaurant on the ground and basement floors. The upper floors are in use as kitchens for the restaurant and ancillary staff facilities. The building has been substantially modified over time internally to accommodate a series of reconfigurations and new services. It has also been modified externally with the shopfront being replaced several times, alterations to windows, to the brick and rendered facades and the addition of a flat-roofed extension to the rear and a glazed external dining area to the front.
- 9.16.9. The Moore Lane and Henry Place frontages are dominated by inactive uses with corresponding anti-social consequences for the adjoining public realm. The urban block that relates to the Dublin Central Masterplan area is subject to considerable vacancy and decline. The presence of vacant plots erodes the cohesion of the streetscape. The urban block is unusually large and impenetrable, which has contributed to the lack of active uses deep within the block. The overall composition of the block undermines the wider urban fabric.
- 9.16.10. In a 'Do-Nothing scenario', the site and buildings of site 2 and the subject site at No. 61 O'Connell Street would remain unchanged with the possibility of deteriorating fabric and further dereliction with negative impacts on the quality of the immediate surroundings.

#### *Predicted Effects*

- 9.16.11. The proposed works at No. 61 O'Connell Street Upper principally comprise the retention of the building and its conservation, repair and refurbishment for adaptive reuse as a restaurant café and retail kiosk with 3 no. residential units on the upper



floors. The external works include the repair and repointing of brickwork, cleaning of stonework, rendering the rear elevation and replacement of modern windows with tradition style windows. Internally it is proposed to remove non-original interventions and provide more appropriate partitions and fittings.

- 9.16.12. It is intended to retain as much surviving fabric in situ as possible and to integrate historic fabric into the restoration works. A full measured survey has been carried out and it is intended to carry out a more invasive survey once the building is vacated, which will inform the design of the restoration. The proposed works will result in the retention and conservation of the much-modified building for appropriate new uses, which would provide for a positive impact in terms of architectural heritage.
- 9.16.13. The proposed development includes the removal and replacement of the shopfront on O'Connell Street which will result in the loss of historic fabric and the removal of a non-original rear extension. In addition, the introduction of an arched passageway through the building will result in permanent changes to the street level front façade and the loss of historic fabric including part of the floor along the route and of the chimneybreast. However, the shopfront is not original and based on forensic building surveys, it is unlikely that any significant historic fabric will be lost by its removal. Notwithstanding this, it is intended to carry out further invasive surveys and any historic fabric uncovered will be incorporated into the design. The replacement of the shopfront with a new shopfront will also enhance the appearance of the historic building and the streetscape. The introduction of the arched passageway will permanently alter the street level of the façade, which will have an adverse impact on the architectural heritage of the area, which will be permanent.
- 9.16.14. The proposed works will have an impact on the historic significance and cultural heritage of the network of laneways which are associated with the urban battlefield site. Henry Place formed a critical element of the evacuation route from the GPO during the 1916 Rising. Although the rear extension is relatively recent and unlikely to contain any historic fabric, the FI submitted in July 2023 has proposed the retention of the rear wall and its adaption to accommodate the kiosk and archway. Thus, the impact on the historical significance of the laneway would be minimal as the building line and sense of enclosure would be maintained. It is considered that the negative impacts would be balanced by the significant enhancement of the

appearance and functionality of the laneway, which is currently not used on a regular basis by members of the public.

- 9.16.15. The site is located within the Zone of Archaeological Potential for the historic city of Dublin. However, as the building will be retained, there is no requirement for a full archaeological dig. However, there will be some limited excavation relating to the replacement of the basement slab and the installation of a lift hoist. The rear elevation has also been identified as a potential 'Dutch Billy gable' and the chimney stack as containing original 18<sup>th</sup> century building fabric. However, each of these elements are to be retained and restored.
- 9.16.16. The Dublin Central Masterplan, and Site 2 in particular, involve an extensive amount of demolition, which will result in the permanent loss of a significant number of buildings and historic fabric, which form an integral part of the historic built environment. The extent of demolition on Site 2 is justified partly on the basis of the extent of demolition previously permitted under the planning permission for the overall lands (PL29N.232347) and partly as it is necessary to accommodate the metro box underneath Nos. 43-59 O'Connell Street. The public benefits deriving from the regeneration of the area was also referenced in justifying the extent of demolition. This part of O'Connell Street was largely rebuilt in the early part of the 20<sup>th</sup> Century on the plots of 18<sup>th</sup> Century houses. The loss of buildings of significance from the 1920s, together with the remnants of an earlier period of 18<sup>th</sup> century excellence, will have a very significant impact on the architectural and cultural heritage of the area. It will alter the character and setting of the protected structures within and adjoining the site and will alter elements of the character of the ACA.
- 9.16.17. Notwithstanding the considerable extent of demolition now proposed within the masterplan area, certain structures which had been scheduled for demolition under PL29N.232347 are now to be retained and every effort has been made to retain and restore as much historic fabric as possible, including protected facades, buildings of cultural and historic interest and shopfronts of merit. In addition, the substantial public benefit in facilitating the Metrolink project in combination with the regeneration of this strategic city centre site would result in considerable positive impacts for the retained historic fabric and the character and appearance of the ACA.

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

- 9.16.18. The principal mitigation measures are inherent in the design and in the principle of the retention of the historic building and its restoration. Revisions made in the further information submitted in July 2023 will further mitigate the adverse impacts of the works on the cultural heritage of the area.
- 9.16.19. The Construction and Demolition Management Plan will be finalised once the contractor is appointed. This will take into account the protection and restoration of the retained structure and those immediately adjoining the site in accordance with best practice conservation methodologies. Detailed recording of the structure and elements of historic significance within the building prior to removal/demolition and methodologies based on best conservation practice will minimise the adverse impacts on the cultural heritage of the area. The comprehensive investigative surveys that are intended to take place following vacation of the building and stripping out of the late 20<sup>th</sup> century linings and fittings, together with the commitment to identify and retain as much surviving historic fabric as possible, will also minimise the adverse impacts of the works on the architectural heritage of the building.
- 9.16.20. Prior to the removal of the basement slab, it is intended to carry out invasive investigative works to establish its origin. It is also proposed to undertake archaeological testing underneath the slab prior to any excavation works that may be required at basement level. A historical building survey will be carried out prior to commencement of works. Conservation specialists will be employed to undertake and supervise the works on site.
- 9.16.21. In terms of the wider Dublin Central development, extensive mitigation measures are proposed which include the detailed recording of structures prior to demolition, the monitoring of ground movement during demolition and construction and the use of methodologies which are based on best conservation practice. The enhanced urban environment will also enable the structures and spaces which contribute to the cultural heritage of the area to exist and be appreciated within a much-improved urban environment. The impact of the proposed development of Site 2 will be positive as the terrace of protected facades will be retained, carefully restored and purposefully integrated into the proposed development and the prolonged period of

decline and vacancy will be arrested. The proposed development will help to restore the historic street frontages along O'Connell Street and retain the urban grain of the network of rear lanes, whilst rejuvenating the urban block by providing for animated and attractive streets and public spaces and increasing the permeability of the block.

- 9.16.22. The character of Moore Lane and Henry Place will be altered significantly by the Dublin Central proposal, but this is necessitated by the need to introduce active uses at street level in order to regenerate the area and arrest the decline, and to enhance the public realm with new streets and public spaces. The demolition of No. 60a O'Connell Street and the introduction of the passageway and kiosk at the rear of No. 61 will alter the character of the lane. The proposed refurbishment of the Reading Room and provision of the pocket park will further alter this character. However, the combination of works of these elements will enhance and enliven the public realm, improve the permeability of the block and make the area a more attractive place. It is considered, therefore, that much of the negative impacts arising from changes to the character of the laneways will be mitigated by the significant improvements to the urban environment, whereby the impacts on cultural heritage will be largely positive.

#### *Residual Impacts*

- 9.16.23. The loss of historic fabric and the creation of the arched passageway will result in residual impacts, as these will be permanent impacts that will endure notwithstanding mitigation. Removal of the chimney breast and part of the floor at ground floor level and the removal and replacement of any other elements of historic fabric will comprise a permanent loss of fabric. The alteration and loss of part of the rear wall of No. 61 which framed the evacuation route from the GPO will result in the loss of fabric which would have an emotive collective association with the battlefield site. The losses will be balanced, however, by the wider public benefits of regeneration of this large urban block, of which No. 61 O'Connell Street from a part and its role in improving the permeability and enhancing the public realm is an important element of the overall masterplan.

#### *Cumulative impacts*

- 9.16.24. Potential cumulative cultural heritage impacts may arise from the development of other parts of the Dublin Central Masterplan, in combination with other projects.

Such potential impacts have been considered as part of the LVIA in the EIAR and as discussed above. No unacceptable cumulative impacts are anticipated.

#### *Cultural Heritage – Conclusion*

9.16.25. I have considered all of the written submissions made in relation to cultural heritage. 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 cultural heritage.

#### **9.17. Interactions of the above and cumulative impacts**

9.17.1. I have considered the interrelationships between factors and whether these may, as a whole, affect the environment, even though the effects may be acceptable when considered on an individual basis. The details of all interrelationships are set out in Chapter 19 of the EIAR, 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 interrelationships between factors. Most interactions, such as the impact of noise and air quality on the population and human health, cultural heritage and landscape are addressed under individual topic headings.

9.17.2. I would agree and consider that impacts, both positive and negative, might occur. Positive impacts would encompass the regeneration of this strategic site with improvements to the townscape, visual setting and permeability of the urban block, providing for a more comfortable environment for pedestrians. The introduction of a high intensity of mixed uses including large scale employment uses, community and cultural uses, food and beverage and retail uses, will aid the creation of a more vibrant urban quarter. The proposed development would also expand and diversify the public realm of the city centre by adding a new street, public squares and enhancing the environment of existing streets and laneways that are currently underutilised. The facilitation of the future O'Connell Street Metrolink station will also make the area more accessible by public transport and attract greater footfall through the area, thereby increasing its vibrancy.

- 9.17.3. Other more adverse impacts on human health may occur from dust and noise nuisance during construction as well as disruption from construction traffic. However, controlled construction measures have been devised to manage air and dust emissions and delays and safety issues arising from construction traffic.
- 9.17.4. 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 of the development on the grounds of significant effects as a result of interactions between the environmental factors.
- 9.17.5. Cumulative impacts were assessed in each chapter of the EIAR, and regard was had to the developments on Site 2 of the concurrent appeal, 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 committed and proposed developments and projects.

#### 9.18. Reasoned Conclusion on the Significant Effects

- 9.18.1. Having regard to the examination of environmental information contained above, and in particular, to the EIAR and supplementary information provided by the applicant, submissions from prescribed bodies, appellants and observers in the course of the application and appeal, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows: (where appropriate, the relevant mitigation measures are cited) –

**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 arising from noise, dust, traffic, excavation and demolition impacts during construction will be mitigated by a Construction and Demolition Management Plan and a Construction Traffic Management Plan.

Positive impact through the redevelopment of a brownfield and under-utilised site that is designated in the Dublin city Development Plan as a Regeneration Site for employment, residential and commercial space that will support compact sustainable growth and improve the townscape, visual setting, public realm and permeability of the city centre.

**Cultural Heritage:** Adverse impacts arising from demolition and loss of historic fabric and the creation of a permanent archway through the ground floor of the building. There will be positive impacts on the cultural heritage arising from the restoration, extension and re-use of the currently under-utilised historic building, as well as the enhanced public realm and increased permeability of the site, which will make the urban block more attractive to the public. Mitigation measures are detailed including specific measures for the building to be retained and refurbished.

**Landscape and visual impact:** The proposed development encompassing modern design interventions will have a material impact on the urban and visual character of the area. Positive or neutral impacts will arise from the repair and restoration of the facades and introduction of new shopfronts and from the provision of high-quality streetscapes, provision of an enhanced public realm and high-quality landscape proposals.

9.18.2. **In conclusion**, notwithstanding the conclusions reached in respect of the inability of the proposed measures to fully mitigate the significant negative residual impacts in respect of the various environmental matters as set out above, it is considered that, subject to conditions to further mitigate these effects, having regard to the overarching benefits of the proposed development, the environmental effects would not justify a refusal of planning permission for the overall development. The wide-ranging benefits of the overall scheme include the site's identified strategic importance as a regeneration opportunity site in the current Dublin City Development Plan (2022), which is consistent with Regional and National policy, together with the role of the Dublin Central lands in providing for the future Metrolink station, in stimulating economic growth and in achieving compact and sustainable growth in a highly accessible and centrally located site. These matters outweigh any negative impacts identified in relation to the construction/demolition and operation of the proposed development.

## 10.0 AA Screening

### 10.1. Compliance with Article 6(3) of the Habitats Directive

- 10.1.1. Compliance with 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.

### 10.2. Background to the application

- 10.2.1. The applicant has prepared a Screening Report for Appropriate Assessment as part of the planning application. The report has been prepared by Scott Cawley for Site 2 and No. 61 O'Connell Street and is dated the 7<sup>th</sup> of September 2022. 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.

- 10.2.2. The report concluded as follows:

Following an examination, analysis and evaluation of the best available information, and applying the precautionary principle, it can be concluded that the possibility of any significant effects on any European sites, whether arising from the project alone or in combination with other plans and projects, can be excluded, for the reason set out in section 3.3 of this report. In reaching this conclusion, the nature of the project and its potential relationship with all European sites within the zone of influence and their conservation objectives have been fully considered.

- 10.2.3. 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.

### 10.3. Screening for Appropriate Assessment – Test of likely significant effects

- 10.3.1. 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).



10.3.2. 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.

#### 10.4. **Brief description of the development**

10.4.1. The applicant provides a description of the project at Section 3.1 of the AA Screening Report. This includes a description of the **Masterplan for Dublin Central lands** (3.1.1) and for **Site 2 and 61 O'Connell Street** (3.1.2). The description of the **Masterplan** describes the physical extent and location of the lands (2.2ha over 3 urban blocks in the city centre), lists the structures of heritage significance and the six individual sites that make up the Masterplan area (as summarised in section 1.0 and 2.0 of my report above). It is noted that the proposal that is the subject of the current application, i.e. No. 61 O'Connell Street Upper, and the concurrent application for Site 2, are the sites that comprise the project for the purposes of the AA Screening Report. However, information is also provided in respect of the masterplan area, of which the site forms part.

10.4.2. It is stated that the **Masterplan** area is 100% hardstanding and that the surface water drains on each of the individual sites currently drain to the combined sewer network. It is proposed that the surface water from the development of the Dublin Central lands will be attenuated to 2l/s and discharge to a common internal surface water network, which would run along Moore Lane and the other lanes, before discharging to the public sewer at the permitted rate. Attenuation would be provided in an underground tank beneath the main internal square for the common areas, including the surplus attenuation arising from the fact that each site is discharging at 2L/s into the common network. Foul water drainage will discharge to existing combined sewers which run around and through the Dublin Central site. There will be a connection from each building direct to the combined sewer and ultimately end up at Ringsend WWTP for treatment prior to discharge into Dublin Bay.

10.4.3. **Site 2** comprises the redevelopment of an inner-city site as a mixed-use scheme (40,100sq.m GFA), in two buildings ranging in height from 2 to 6 storeys over a single-level basement, including a new street between O'Connell Street and Moore

Lane, provision of the structural envelope (Metrobox) underneath Site 2 within which the Metrolink station will be constructed, the retention, repair and adaptive re-use of several historic buildings/protected structures, the demolition of all other structures (22,521sq.m) and improvement works to the public realm. The ground floor uses will be retail/restaurant/café uses (with take away), the upper floors will comprise offices and the basement will accommodate 32 car parking spaces.

10.4.4. In summary, the development of **No. 61 O'Connell Street Upper** comprises the refurbishment of an existing mid-terrace commercial building in the city centre for mixed use with 3 no. 2-bed apartments on the upper floors and two commercial units (52sq.m in total) on the ground floor, together with the creation of a new covered walkway through part of the ground floor, linking O'Connell Street Upper with Henry Place. The application as originally submitted had also included a gym (206sq.m) at basement level, but this was subsequently amended to provide for domestic and commercial storage facilities to serve the units within the building.

10.4.5. Foul water will continue to discharge from No.61 O'Connell Street Upper via the same connection to the existing 2,200mm x 760mm foul water sewer in O'Connell Street Upper. It is proposed to provide 2 no. new 225mm connections to the existing public network, one for each of Sites 2AB and 2C.

10.4.6. Surface water will continue to discharge from No.61 O'Connell Street Upper via the same connection to the existing 2,200mm x 760mm foul water sewer in O'Connell Street Upper. In respect of Site 2, surface water will be drained from Site 2AB to the combined sewer, with private separate foul and surface water drains within the site, and surface water from Site 2C will be discharged to the surface water network, requiring an extension of the public sewer along Parnell Street to Moore Lane. Surface water will be discharged from both sites at 2 l/s. Attenuation will be by a combination of blue roofs and an underground tank. A Stormwater Management Plan has been provided which proposes various SUDs techniques.

## 10.5. **Characteristics of the site and receiving environment**

10.5.1. *Habitats and species* - The site is urban in nature comprised completely of built structures and hardstanding surfaces. The habitats found on site are of low ecological value and none of them correspond to Annex I habitat types. The only

recorded species for which nearby European sites are designated within 2km of the site which are expected to be present are Herring Gull and Black-headed Gull, which could use rooftops for nesting. No nesting sites were found, although potential nesting sites were identified. No protected and/or rare species listed in the Flora Protection Order (2022) or Red Lists, nor invasive non-native species were found to be present within or in close proximity of the site.

10.5.2. *Hydrology* - There are no surface water features within the site and the closest waterbody is the River Liffey (c.276m to the south), which discharges to the South Dublin Bay coastal water. This hosts several European sites including

South Dublin Bay and River Tolka Estuary SPA (004024)

North Bull Island SPA (004006)

North Dublin Bay SAC (000206)

South Dublin Bay SAC (000210)

These sites are proximate to the outfall location of the Ringsend WWTP.

10.5.3. There is no direct surface water hydrological link between the proposed site and these European sites. However, surface waters drain underground from the site and ultimately discharge into Dublin Bay. The site is underlain by Calp limestone which is a 'Locally Important Aquifer', characterized by local fracturing with little connectivity. As a result, flow paths are generally local, however the site investigation data shows that there may be a pathway to bedrock and the Liffey through permeable gravel deposits.

## 10.6. **Submissions and observations**

10.6.1. No submissions were made relating to the likely impacts on European sites or their associated habitats or species.

## 10.7. **European sites**

10.7.1. 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 a 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 favorable conservation condition of the identified qualifying interests.

- 10.7.2. The closest European sites are South Dublin Bay and River Tolka Estuary SPA (2.3km to northeast) and South Dublin Bay SAC (3.5km to southeast). Other nearby sites within Dublin Bay are North Dublin Bay SAC and North Bull Island SPA, both 5.3km to the northeast of the site. These European sites, within the inner section of Dublin Bay, are proximate to the outfall location of the Ringsend WWTP. They are therefore considered to be within the potential zone of influence of the proposed development, as all of these sites are located within the downstream receiving environment of the development site. On this basis, these sites are subject to a more detailed Screening Assessment.
- 10.7.3. 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 to the proposed development site, the nature and scale of the proposed development, the absence of relevant qualifying interest in the vicinity of the works, the absence of ecological and hydrological pathways and to the conservation objectives of the designated sites.
- 10.7.4. A summary of the four European sites that occur within a possible zone of influence of the proposed development is presented in Table 10.1 below.

<b>European Site</b>	<b>List of Qualifying Interest/Special conservation interest</b>	<b>Distance from proposed development/ Ringsend WWTP Outfall</b>	<b>Conservation Objectives</b>	<b>Considered further in Screening Y/N</b>
<b>South Dublin Bay and River Tolka Estuary SPA (004024)</b>	[A046] Light Bellied Brent Goose [A130] Oystercatcher [A137] Ringed Plover [A141] Grey Plover [A143] Knot [A144] Sanderling] [A149] Dunlin [A157] Bar-tailed Godwit [A162] Redshank [A179] Black-headed Gull [A192] Roseate Tern [A193] Common Tern	2.3Km to SE of proposed development  c.11.1km northeast of Ringsend outfall	To maintain or restore the favorable conservation condition of the bird species listed as special conservation interests for this SPA.	Y

	[A194] Artic Tern [A999] Wetland and Waterbirds			
<b>South Dublin Bay SAC (000210)</b>	[1140] Mudflats and sandflats not covered by seawater at low tide [1210] Annual vegetation of drift lines [1310] Salicornia and other annuals colonising mud and sand [2110] Embryonic shifting dunes	3.5Km SE of proposed development c. 537m south of outfall	To maintain or restore the favorable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.	Y
<b>North Dublin Bay SAC (000206)</b>	[1140] Mudflats and sandflats not covered by seawater at low tide [1210] annual vegetation of drift lines [1310] Salicornia and other annuals colonising mud and sand	5.3km northeast of proposed development c.2.3km northeast of the outfall	To maintain or restore the favourable conservation condition of the Annex I habitats and/or the Annex II species for which the SAC has been selected	Y

	<p>[1330] Atlantic salt meadows</p> <p>[1395] Petalworth</p> <p>[1410] Mediterranean salt meadows</p> <p>[2110] Embryonic shifting dunes</p> <p>[2120] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</p> <p>[2130] Fixed coastal dunes with herbaceous vegetation (grey dunes)</p> <p>[2190] Humid dune slacks</p>			
<b>North Bull Island SPA (004006)</b>	<p>[A046] Light - bellied Brent goose</p> <p>[A048] Shelduck</p> <p>[A052] Teal</p> <p>[A054] Pintail</p> <p>[A056] Shoveler</p>	<p>5.4km northeast of proposed development</p> <p>c. 469m north of the outfall</p>	<p>To maintain or restore the favourable conservation condition of the bird species listed as special conservation</p>	Y

	[A130] Oystercatcher [A140] Golden Plover [A141] Grey Plover [A143] Knot [A144] Sanderling [A149] Dunlin [A156] Black-tailed Godwit [A157] Bar-tailed Godwit [A160] Curlew [A162] Redshank [A169] Turnstone [A179] Black- headed Gull [A999] Wetlands and Waterbirds		interests for this SPA.	
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Table 10.1 European sites with Possible Zone of Influence

## 10.8. Identification of Likely Significant Effects

10.8.1. Section 3.3 of the AA Screening Report provides an assessment of the likely significant effects on the European sites within the Zone of Influence, either alone or in combination with other plans or projects. The assessment was carried out under the following headings, but without taking account of any measures intended to avoid or reduce the harmful effects of the project on the European sites.



- Habitat Loss and Fragmentation
- Habitat Degradation as a result of Hydrological Impacts
- Habitat Degradation as a result of Hydrogeological Impacts
- Habitat Degradation as a result of introducing/spreading non-native invasive species
- Disturbance and Displacement Impacts

10.8.2. A summary of the potential direct, indirect and in combination effects under each of these headings is presented in Table 2 of the AA Screening Report. It was concluded that there would be no **habitat loss or fragmentation, disturbance or displacement** as habitat loss will be confined to the development site and there are no European sites within the site boundary or within the potential disturbance zone of influence of construction impacts such as noise, vibration and visual disturbance. Herring gulls are an SCI species which are known to nest on flat roofs in urban areas and the proposed development could therefore temporarily remove suitable ex-situ breeding habitats for this species. However, the current roofs will be replaced by similar structures and there will not be any permanent impacts on this species.

10.8.3. It was further concluded that there would be no **habitat degradation of habitats** within, adjacent to or downstream of the site **as a result of the introduction/spread of non-native invasive species** as there are no non-native species present within the site. I would accept that there would be no risk to European sites in the vicinity arising from disturbance, displacement of species or habitat loss, fragmentation or degradation due to invasive species.

10.8.4. It was concluded that there would be **no habitat degradation as a result of hydrological impacts** on habitats and species downstream of the proposed development site and associated surface water drainage discharge points, or downstream of the offsite wastewater treatment plants. Surface water discharges will drain into the existing surface water network and foul waters will discharge to Ringsend WWTP, and both will ultimately discharge into the River Liffey Estuary/Dublin Bay. Therefore, there is no direct pathway to the European sites, but

the Zone of Influence of potential effects on water quality from the proposed development could extend to Dublin Bay.

- 10.8.5. In respect of Site 2, a Hydrological and Hydrogeological Qualitative Risk Assessment report was prepared for the proposed development by AWN Consulting (2022), which was based on a Conceptual Site Model (CSM) and identified possible source-pathway-receptor linkages. This report was submitted with the application and has informed the AA Screening Report for both sites. The results of the CSM established that surface water runoff from the proposed development, during both construction and operational phases, will not result in any perceptible impact on water quality in downstream receiving waters in Dublin Bay, (and thus in the European sites therein). This is because of the absence of a direct open water pathway to Dublin Bay, and the attenuation and dilution effects within the River Liffey as well as the storm sewers, and the low potential chemical loading between the proposed development site and Dublin Bay. It is noted that any hydrocarbon leaks or spillages or silt-laden discharges would result in sediment settling at the source and dilution along the river channel. In addition, the distance from the proposed development site to the European sites within Dublin Bay is 3.6km at the closest point. Thus, any potential contaminants would be attenuated, diluted and dispersed prior to reaching the European site. I would accept that there is no perceptible risk to the water quality of the European sites from surface waters arising from the development.
- 10.8.6. The CSM also considered in combination effects and concluded that there will be no perceptible impact on water quality as a result of the proposed development in combination with surface waters arising from other developments. This is due to the low potential chemical, and sediment expected loading. The AA Screening Report, therefore, concluded that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of the European sites in or associated with Dublin Bay as a result of surface water runoff or discharges. I would accept that there is no likelihood of significant in combination effects arising from the proposed development combined with other plans or projects in the area.
- 10.8.7. There is no direct pathway for foul wastewater to the European sites, but there is an indirect pathway, as the wastewater will be treated at Ringsend WWTP before discharging into Dublin Bay. The average wastewater discharge from Site 2 is

estimated at 26.94 l/s. The AA Screening Report notes that the Ringsend WWTP is currently operating above its capacity (1.64 million PE) with an operational loading of 2.2 million PE. However, Ringsend WWTP operates under a Discharge Licence from the EPA (D0034-01) and Uisce Eireann is currently undertaking a major upgrade of the facility, (commenced in 2018 with an expected completion date of 2025). This upgrade was permitted under ABP.PL29N.YA0010 and was subject to Appropriate Assessment Screening.

10.8.8. It is also pointed out that notwithstanding the capacity issues, Dublin Bay is currently classified as having an 'Unpolluted' water quality status. It is further stated that having regard to the size of the calculated discharge from the proposal, (26.94 l/s) the peak foul discharge for the proposed development is well within the capacity of the WWTP, being less than 0.14%. It is considered, therefore, that the proposed development would not have a measurable impact on the overall water quality of Dublin Bay, due to the dilution levels available close to the outfall from the WWTP and as Dublin Bay is classified as 'Unpolluted'.

10.8.9. It is considered, therefore, that there is adequate assimilation and dilution effects between the development site and the European sites and that the wastewater arising from the proposed development, following treatment at Ringsend, would not present a risk to the water quality of the European sites. There are also protective policies and objectives in place at a strategic planning level, and in the CDP, to protect water quality in Dublin Bay. It is further concluded that the possibility of any other plan or project acting in combination with the proposed development to give rise to significant effects on any European site in or associated with Dublin Bay can be excluded.

10.8.10. It was concluded that there would be **no habitat degradation as a result of hydrogeological impacts** on ground-water dependent habitats and the species that those habitats support, in the local areas that lie downgradient of the proposed development. The site lies within the Dublin Groundwater Body and the only European site that lies within the GWB is the Rye Water Valley/Carton SAC. However, the development site lies downgradient of this European site and there will be no direct interaction between the proposed development and the underlying waterbody. The proposed development cannot, therefore, influence the groundwater conditions in this European site.

- 10.8.11. **In conclusion**, the site does not support any habitats of ex-situ ecological value for the qualifying interests of the European sites and having regard to the separation distances, the potential for significant impacts on birds that are qualifying interests of the European sites due to displacement, disturbance or degradation can be screened out.
- 10.8.12. There are no direct hydrological connections to a European site, but the potential for indirect effects in terms of habitat degradation as a result of hydrological impacts arises from the discharge of surface water and wastewater from the proposed development. During the construction phase, standard pollution control measures would be put in place. These are standard pollution control measures which would be standard practice in the development of urban sites which are required to ensure the protection of receiving waters, irrespective of any potential connection to a European site.
- 10.8.13. In the event of the absence or failure of such pollution control and surface water treatment measures, I am satisfied that the potential for likely significant effects on the qualifying interests of the European sites in Dublin Bay from surface water run off can be excluded given the distances involved and the assimilative and dilution factors of the storm sewers, river channel and of Dublin Bay. The scheme also includes attenuation measures which would significantly reduce the discharge of surface water from the site during the operational phase, as surface waters are currently unrestricted. SUDs measures are standard measures which are included in all projects, irrespective of any potential connection to a European site and are required by the P.A. in accordance with the Greater Dublin Strategic Drainage Study.
- 10.8.14. The wastewater from the development, which would be treated at Ringsend WWTP prior to discharge to Dublin Bay, would be insignificant in the context of the overall licensed discharge from the WWTP and would not present a risk to water quality of the European sites.
- 10.8.15. *In combination effects* - There will be no in combination effects arising from the development in combination with other plans or projects in the vicinity, including the development of the wider Dublin Central Development site.

## 10.9. Mitigation measures

- 10.9.1. 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.

## 10.10. Screening Determination

- 10.10.1. 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 site's Conservation Objectives, and Appropriate Assessment (and the submission of an NIS) is not therefore required.

## 11.0 Recommendation

Having regard with 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

- 12.1. 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 issued by the Department of Arts, Heritage and the Gaeltacht in October 2011.
- (d) The provisions of Dublin City Development Plan 2022 to 2028 and 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 and design detail of the proposed development.
- (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, as amended, and associated documentation submitted in support of the planning application,
- (c) The submissions from the planning authority, prescribed bodies, the appellants and the observers in the course of the application, and
- (d) the Planning Inspector's report and recommendation.

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

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

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

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

**Population and Human Health:** Potential 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 arising from noise, dust, traffic, excavation and demolition impacts during construction will be mitigated by a Construction and Demolition Management Plan and a Construction Traffic Management Plan. Positive impact through the redevelopment of a brownfield and under-utilised site that is designated in the Dublin city Development Plan as a Regeneration Site for employment, residential and commercial space that will support compact sustainable growth and improve the townscape, visual setting, public realm and permeability of the city centre.

**Cultural Heritage:** Adverse impacts arising from demolition and loss of historic fabric and the creation of a permanent archway through the ground floor of the building. There will be positive impacts on the cultural heritage arising from the restoration, extension and re-use of the currently under-utilised historic building, as well as the enhanced public realm and increased permeability of the site, which will make the urban block more attractive to the public. The loss of historic fabric will be permanent and cannot be fully mitigated or addressed by means of conditions, but will be tempered by the restoration of the retained structure and its adaptive re-use, and by the regeneration of the area which has been the subject of a prolonged period of decline and by the enhanced permeability and accessibility of the area to the public

**Landscape and visual impact:** The proposed development encompassing modern design interventions will have a material impact on the urban and visual character of

the area. Positive or neutral impacts will arise from the repair and restoration of the facades and introduction of new shopfronts and from the provision of high-quality streetscapes, provision of an enhanced public realm and high-quality landscape proposals.

Notwithstanding the conclusions reached in respect of the negative impact of the construction phases on traders and businesses in the vicinity and loss of historic 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.

### **Conclusions on 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 and under-utilised urban land in a prominent city centre location which forms part of a Key Opportunity Site in the Strategic Development Regeneration Area for the North-East Inner City, in the Dublin City Development Plan 2022-2028, which is identified as a civic/cultural hub and focus for quality retail and mixed-use development. The proposed development would assist in the redevelopment and rejuvenation of this part of the city in accordance with the development plan policies and objectives,
- 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 of the Protected Structures within and adjoining the site and 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 received by the planning authority on the 28th day of July 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: To protect the environment.

3. The proposed development shall be amended as follows:
  - (a) Following the stripping out of the existing shopfront and the interior of the building, an inventory of all uncovered historic fabric/finishes, which shall be accompanied by photographs cross-referenced to drawings, shall be submitted to the planning authority. Any surviving historic fabric/finishes identified within the interior or beneath the shopfront shall be incorporated into the design of the development.

- (b) The design of the gates to the proposed archway shall be revised to provide for a more traditional style which should complement the setting of the historic structure.

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

Reason: In the interests of the protection of archaeological heritage.

- 4. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority confirmation that:
  - (a) All works shall be carried out in accordance with best conservation practice.
  - (b) the development will be monitored by a suitably qualified architect with conservation expertise and accreditation and
  - (c) competent site supervision, project management and crafts personnel will be engaged and will be suitably qualified and experienced in conservation works.
  - (d) Windows – the windows on the Second-floor front façade shall be retained unless otherwise agreed in writing with the planning authority. All glazing shall be timber sash and putty fixed. All slimline glazing panels shall conform with the requirements of the planning authority.
  - (e) The existing cementitious render on the rear elevation shall be removed and replaced with a lime render.

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

- 5. Prior to the commencement of development on the Protected Structure at No. 61 O'Connell Street Upper, the developer shall submit, for the written agreement of the planning authority, a detailed method statement covering all works proposed to be carried out, including:
  - (a) 1:20 drawings of the proposed archway and gates,
  - (b) a full specification, including details of materials and methods, to ensure the development is carried out in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage & the Gaeltacht,
  - (c) methodology for the recording and/or retention of concealed features or fabric exposed during the works,

- (d) details of features to be temporarily removed/relocated during construction works and their final re-instatement,
- (e) protection of windows during the construction works,
- (f) details of materials/features of architectural interest to be salvaged,
- (g) a detailed schedule and methodology of repairs to be carried out following inspection at close quarters,
- (h) details of the replacement of any brickwork or any works of re-pointing which shall be undertaken so that it matches the original existing wall finish,
- (i) details of the remaining rainwater goods and bargeboard which where possible shall be repaired and reused, the replacement of which (if any) shall match the original in terms of design and materials,
- (j) details of replacement windows which shall be modelled on surviving windows and shall match them in dimensions, opening mechanism, profiles and materials;

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

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

6. Prior to the commencement of works, the developer shall submit an Historic Building Survey to be undertaken by a suitably qualified architectural historian of the existing protected structure, to include:
  - (a) A full set of survey drawings to a scale of not less than 1:50 to include elevations, plans and sections of the structure.
  - (b) the recording of the details and current condition of No. 61 O'Connell Street Upper; and,
  - (c) a detailed, labelled photographic survey of all internal rooms, including all important features and fittings, the exterior and the curtilage of the building.

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

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

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

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

8. All materials, colours and textures of all the external finishes shall be in accordance with the Architectural Design Statement for No. 61 O'Connell Street Upper submitted with the planning application (as amended by further plans and particulars submitted on the 28<sup>th</sup> day of July 2023). Any deviation from these details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

9. Detailed elevation and section drawing (1:20) for the proposed shopfronts, including signage, doors, illumination where required, to reflect the historic significance of the Protected Facade and of Henry Place and to respect the requirements of the O'Connell Street ACA and Area of Special Planning Control shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

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

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

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

internal shutters shall conform to that written agreement.

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual amenity.

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

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

13. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer.  
Prior to the first occupation of any of the commercial or residential units, the following matters shall be addressed:

- (a) A management scheme, providing adequate measures for the future maintenance of the development, including the external fabric of the buildings, internal common areas (residential and commercial), landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority.
- (b) Details of the management of the proposed passageway including the hours during which the gates are to be open to the public shall be submitted to and agreed in writing with the planning authority.

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

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

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

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

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

- 15.
  - (a) All external entrance doors shall be tightly fitted and self-closing.
  - (b) All windows and roof lights in the commercial units shall be double-glazed and tightly fitting.
  - (c) Noise attenuators shall be fitted to any openings required for ventilation or conditioning purposes.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: To protect the residential amenities of property in the vicinity.

- 16. (a) Where the noise in question does not contain acoustic features that enhance its impact such as tones or impulsive elements, the LAeq level measured over 15 mins (daytime) or 5 minutes (night-time) at a noise sensitive premises when plant is operating shall not exceed LA90 (15 minutes day to

5 mins night) by 5 dB or more, measured from the same position, under the same conditions and during a comparable period with no plant in operation.

- (b) Where the noise in question does not contain acoustic features that enhance its impact such as tone or impulsive elements, the rating noise level,  $A_{r,T}$  shall be compliant with BS 4142:2014+A1:2019 Methods for Rating and Assessing Industrial and Commercial Sounds

Reason: In order to protect adjoining residential amenity.

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

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

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

Reason: In the interest of public health.

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

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

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

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

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

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

Reason: In the interests of public safety

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

Reason: In the interest of amenity and public safety.

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

Reason: In the interests of visual and [residential] amenity.

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

Reason: In the interest of urban legibility.

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

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.

- (b) Location of areas for construction site offices and staff facilities.



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

Reason: In the interest of amenities, public health and safety and environmental protection

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

Reason: In the interest of sustainable transport and safety.

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

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

28. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

29. The developer/contractor will be required to apply for a works permit from the LUAS Operator in accordance with the Light Railway (Regulation of Works) Byelaws 2004 (S.I. No. 101 of 2004), which regulates works occurring close to the LUAS infrastructure and the TII's 'Code of Engineering Practice for works on, near or adjacent to the LUAS Light Rail system'. The permit application will require prior consultation with TII, facilitated by the LUAS operator, Transdev. The developer shall comply with the following requirements:
  - a) Construction Traffic Management Plan – the developer/contractor shall consult with TII and shall identify mitigation measures to protect operational LUAS infrastructure.
  - b) Construction and Demolition Management Plan – the developer/contractor shall consult with TII and shall identify and agree a method statement in accordance with the TII's Code of Practice and shall resolve all LUAS interface issues including (i) identify all LUAS alignment interfaces, (ii) contain a risk assessment for works associated with the interfaces, and (iii) contain mitigation measures for unacceptably high risks, including a vibration and settlement monitoring regime, if necessary.
  - c) Overhead Conductor System (OCS) – the developer shall provide plans and details for the OCS pole protection and safety distances and/or for the existing, temporary and subsequent permanent fixings.

These details shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The developer shall be liable for all costs associated with the removal and reinstatement of the LUAS related infrastructure, or for any loss of LUAS revenue associated with a suspension of passenger services, or alterations to the LUAS infrastructure which may arise out of or as a consequence of the design, construction or the operation of the development.

Reason: To ensure the safe operation of the railway.

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

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

31. 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.

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

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

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.

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Mary Kennelly  
Senior Planning Inspector

12<sup>th</sup> February 2025